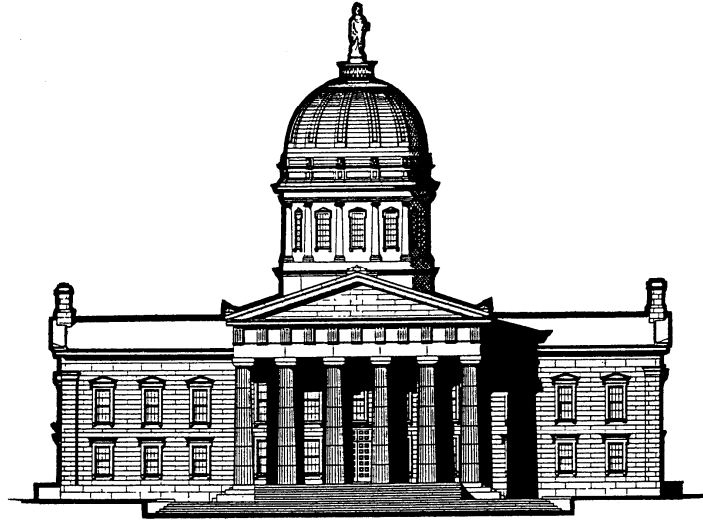


STATE OF VERMONT



SUMMARY OF THE ACTS AND RESOLVES OF THE 2012 VERMONT GENERAL ASSEMBLY

PREPARED BY THE
OFFICE OF THE LEGISLATIVE COUNCIL

**SUMMARY OF THE
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**Prepared by the
Office of the Legislative Council**

The materials in this booklet summarize and highlight major features of legislation and resolutions enacted or adopted during the 2012 Session of the Vermont General Assembly. The purpose of this publication is to provide the public with general information about the various subject areas addressed by the general assembly. The summaries should not be relied upon as a substitute for reading the actual text of the 2012 Acts and Resolves, which is posted on the legislative website (www.leg.state.vt.us) or may be obtained from the Office of the Legislative Council (802-828-2231).

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Part I – Act Summaries by Subject

Agriculture

Act No. 142 (H.496). Agriculture; economic development

An act relating to preserving Vermont's working landscape

This act creates the Vermont working lands enterprise board, which is charged with administering the working lands enterprise fund to make investments in, and provide services to, working lands enterprises, as well as to make investments in working lands infrastructure. The act also expands the charge and composition of the Vermont agricultural products development board to include forestry and forestry members. The act expands the mission of the Vermont housing and conservation board to include conservation of forestland. The act repeals three statutory provisions for programs that are no longer active, including the repeal of the Vermont agricultural innovation center, effective March 31, 2013. Finally, the act establishes funding priorities for amounts appropriated to the enterprise fund.

Multiple effective dates, beginning May 15, 2012

Also see: Commerce and Trade; Act No. 84 (H.21); An act relating to the mutual benefit enterprise act

Also see: Conservation and Land Development; Act No. 118 (S.179); An act relating to amending perpetual conservation easements

Also see: Conservation and Land Development; Act No. 138 (S.202); An act relating to regulation of flood hazard areas, river corridors, and stream alteration

Also see: Motor Vehicles; Act No. 95 (S.238); An act relating to a study on access to driving privileges in Vermont

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Alcoholic Beverages

Act No. 115 (H.506). Alcoholic beverages

An act relating to commercial catering licenses, the export of vinous beverages, and outside consumption permits

This act makes changes to the statutes regarding alcoholic beverages as follows:

- (1) It permits the holder of a first class license to receive a caterer's permit.
- (2) It allows officers, directors, or members of a club to volunteer without pay to perform services at the club other than serving alcoholic beverages.
- (3) It allows a second class licensee to export vinous beverages.
- (4) It creates a commercial catering license which allows the holder to serve alcoholic beverages at a catered function.

(5) It increases the amount of vinous beverages which a manufacturer can sell to first or second class licensees from 2,000 to 5,000 gallons per year.

(6) It allows the holder of a fourth class license to receive an outdoor consumption permit.

(7) It sets a fee of \$200.00 for a commercial catering license.

(8) It allows the commissioner of liquor control or his or her designee to negotiate with licensees in order to resolve alleged violations.

(9) It increases the composition of the liquor control board from three to five members.

Multiple effective dates, beginning May 9, 2012

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Appropriations and Finance

Act No. 75 (H.558). Appropriations and finance

An act relating to fiscal year 2012 budget adjustment

This act is the FY12 budget adjustment act. It adjusts the amounts appropriated for the support of government for FY12 by No. 63 of the Acts of 2011 and other acts.

Multiple effective dates, beginning on March 7, 2012

Act No. 104 (H.785). Appropriations and finance; capital construction; bonding; Tropical Storm Irene

An act relating to capital construction and state bonding budget adjustment

This act amends Act 40 of 2011, an act relating to capital construction and state bonding for FY 2012–2013, and makes additional appropriations and policy changes related to capital construction and state bonding. Appropriations new to this act include \$18 million for renovation and replacement of state infrastructure necessitated by Tropical Storm Irene. To make room for the Tropical Storm Irene projects, anticipated funding for other projects was cut or delayed, including a \$5 million project to consolidate the Brattleboro and Rockingham state police barracks. This act reallocates approximately \$3 million in unspent appropriations from past acts relating to capital construction and state bonding.

Effective Date: May 7, 2012

Act No. 162 (H.781). Appropriations and finance

An act relating to making appropriations for the support of government

This act is the FY13 appropriations act, which provides appropriations for the support of state government during the upcoming fiscal year; it is referred to as the “Big Bill.” In addition to providing appropriations, this act also amends and adds substantive provisions affecting state laws and programs. For details and summaries of the amounts appropriated and other provisions, see the explanatory documents and letter of intent

prepared by the joint fiscal office, available from the joint fiscal office or at www.leg.state.vt.us/jfo

Multiple effective dates, beginning May 17, 2012

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Banking

Act No. 85 (H.565). Banking

An act relating to regulating licensed lenders and mortgage loan originators

This act adds certain definitions, criteria, and exemptions to sections within 8 V.S.A. chapter 73, which governs the licensing requirements for licensed lenders and mortgage loan originators. Specifically, the act adds definitions for an “employee”; for what it means to “engage in the business of a mortgage loan originator”; for a “housing finance agency”; and for a “residential mortgage loan application.” The act also expands the persons who qualify as an “immediate family member,” and expands the definition for who qualifies as a “mortgage loan originator.” The act clarifies that a lender license is required of a person who “engages in the business of” a mortgage loan originator.

The act clarifies the exception to the lender license requirement for an individual who self-finances his or her dwelling, providing that a “dwelling” means the individual’s residence, including a vacation home, or inherited property that served as the deceased’s dwelling, provided that the individual does not act as a mortgage loan originator or provide financing for such sales so frequently and under such circumstances that it constitutes an habitual activity and acting in a commercial context. The act also increases the ceiling to qualify for the lender license exception available for loans other than residential mortgage loans in a given year (at no more than 12 percent) from \$50,000.00 to \$75,000.00. The act adds a lender license exception for housing finance agencies.

The act clarifies the license requirements for mortgage loan originators regarding employees of sales finance companies and government agencies, as well as individuals negotiating terms for a dwelling. The act also clarifies that an expungement of a conviction shall not be considered a conviction for purposes of mortgage loan originator licensing.

Effective Date: April 20, 2012

Also see: Commerce and Trade; Act No. 78 (H.512); An act relating to banking, insurance, securities, and health care administration

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Commerce and Trade

Act No. 78 (H.512). Commerce and trade; banking; insurance; securities; Nationwide Mortgage Licensing System

An act relating to banking, insurance, securities, and health care administration

This act changed the name of the department of banking, insurance, securities, and health care administration to the department of financial regulation. In addition, and among other things, the act requires Vermont-domiciled independent trust companies, merchant banks, and uninsured banks to have one meeting per year in Vermont; have a Vermont director and a place of business in Vermont; and an agent for service of process in Vermont. Also, the act brings various regulated entities, such as money servicers, debt adjusters, and loan servicers, under the Nationwide Mortgage Licensing System. Finally, the act requires the commissioner of financial regulation to study certain aspects of Vermont's law pertaining to the conversion of nonprofit hospitals, 18 V.S.A. § 9420.

Effective Date: April 2, 2012

Act No. 84 (H.21). Commerce and trade; business organizations

An act relating to the mutual benefit enterprise act

This act creates Title 11C, governing the formation and operation of a new business entity type, the mutual benefit enterprise, which blends features of traditional cooperative principles with structural features of limited liability companies and corporations. By law, the mutual benefit enterprise must be majority owned and operated by patron members, but the act allows the addition of investor members who may participate in the ownership, operation, and distribution of profits. The act is based on the National Conference of Commissioners on Uniform State Laws' model act, the "uniform limited cooperative association act."

Effective Date: April 20, 2012

Act No. 110 (H.556). Economic development

An act relating to creating a private activity bond advisory committee

In this act:

Sec. 1. – Codifies the private activity bond advisory committee created by executive order 14-11, whose purpose is to advise the Emergency Board on how best to allocate the state's private activity bond allocations.

Sec. 2. – Transitions the members from the current private activity bond committee created by executive order to this new statutory committee.

Sec. 3. – Increases the maximum amount of bonds or notes secured by a Vermont Economic Development Authority (VEDA) debt service reserve fund from \$100 million to \$115 million.

Sec. 4. – Increases the maximum amount of a VEDA mortgage loan secured by land and buildings or by machinery and equipment, or both, from \$1,300,000.00 to \$1,500,000.00.

Sec. 5. – Increases the amounts of certain loans that may be approved by VEDA loan officers, and also requires that loans rejected by loan officers be subject to VEDA’s notice and review process.

Sec. 6. – Reduces the maximum amount of mortgages that may be insured by VEDA from \$9 million to \$3,500,000.00.

Effective Date: May 8, 2012

Act No. 146 (S.217). Commerce and trade; business organizations

An act relating to closely held benefit corporations

This act amends 11A V.S.A. chapter 21, governing business corporations that elect status as a benefit corporation. The act adopts and amends provisions to clarify operational, procedural, and governance requirements for closely held corporations that opt to become benefit corporations.

Effective Date: July 1, 2012

Act No. 167 (H.699). Consumer protection; crimes; stolen property

An act relating to scrap metal processors

This act enhances requirements for scrap metal processors, pawnbrokers, and secondhand dealers. The act expands the definition of a scrap metal processor and eliminates provision for an “authorized scrap seller,” who previously was not required to comply with the recordkeeping requirements of 9 V.S.A. chapter 82. The act directs the department of public safety, in collaboration with the department of environmental conservation, to create and communicate to the industry a paper-based and electronic system for sending reports of sales to the department of public safety, rather than to local law enforcement. The act directs the nonviolent misdemeanor sentence review committee to review Vermont law concerning possession of stolen property. The act also imposes new requirements on pawnbrokers and secondhand dealers to take identifying information from sellers, to document the items pawned or sold, and to hold the items pawned or sold for 10 days before offering the items for resale or for scrap.

Effective Date: July 1, 2012

Also see: Agriculture; Act No. 142 (H.496); An act relating to preserving Vermont’s working landscape

Also see: Consumer Protection; Act No. 109 (H.254); An act relating to consumer protection

Also see: Consumer Protection; Act No. 136 (H.730); An act relating to miscellaneous consumer protection laws

Also see: Executive Branch; Act No. 112 (S.215); An act relating to evaluating net costs of government purchasing

Also see: Housing; Act No. 137 (S.99); An act relating to supporting mobile home ownership, strengthening mobile home parks, and preserving affordable housing

Also see: Motor Vehicles; Act No. 95 (S.238); An act relating to a study on access to driving privileges in Vermont

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Conservation and Land Development

Act No. 73 (H.258). Conservation and land development; environmental enforcement; public participation

An act relating to public participation in environmental enforcement proceedings

This act amends public participation requirements for environmental enforcement actions in order to comply with federal requirements for certain federally authorized programs and in order to standardize public participation for all agency of natural resources (ANR) and natural resources board (NRB) enforcement actions. The act requires ANR and the NRB to post for public comment a draft enforcement action—including an administrative order, assurance of discontinuance, or civil complaint—for 30 days. If no comments are received during the 30-day notice period, the enforcement action may be filed with the environmental division for final processing.

If comments are received during the 30-day period, ANR or the NRB may withdraw the draft enforcement action or send it and all comments to the environmental division. If the enforcement action is sent to the environmental division, ANR or the NRB also shall post the action to its website for 14 days. During the 14 days, a person may file a motion for permissive intervention. To intervene, a person must be an “aggrieved person” who commented during the 30-day comment period. The act defines “aggrieved person” as one who alleges an injury to a particularized interest protected by an ANR or NRB enforceable statute, and the alleged injury is attributable to a violation addressed by the enforcement action. Permissive intervention is discretionary, and the environmental division may deny intervention.

If no intervention motion is received, the environmental division may finalize the enforcement action. If intervention is granted, it is for the sole purpose of establishing that the enforcement action is insufficient to carry out the purposes of the environmental enforcement chapter. If the environmental division finds the enforcement action insufficient, it may vacate the action. ANR or the NRB shall not oppose any motion for permissive intervention. If a person is granted intervention, ANR or the board may oppose the intervenor’s claim. The environmental division may hold a hearing on the intervenor’s claim.

ANR, but not the NRB, shall investigate all citizen complaints of a violation of a federally authorized program and shall respond to the complaint in writing. The act also authorizes ANR to use an administrative order, assurance of discontinuance, or emergency order to recover from a violator up to \$20,000.00 in monies ANR expends from special funds to remediate a violation. The act also transfers the jurisdiction over ANR and NRB civil complaints from the judicial bureau to the environmental division.

Effective Date: July 1, 2012

Act No. 91 (H.752). Conservation and development; water resources; stormwater; property conveyance**An act relating to permitting stormwater discharges in impaired watersheds**

This act recodifies the net zero standard for the discharge of stormwater to a stormwater-impaired water. The discharge standard for stormwater-impaired waters sunsets on January 15, 2012. This act reenacts the net zero standard and provides a statutory definition. The act also reenacts a statutory provision that provides that no encumbrance on record title to real property or effect on marketability of title is created by failure to obtain a discharge permit to a stormwater-impaired water prior to 2004. The effective date of the provision related to the encumbrance of title applies retroactively to January 15, 2012, the date on which the original statutory provision sunset. The act requires the agency of natural resources to report to the general assembly in January 2016 regarding whether to extend the sunset of the encumbrance language.

Effective Date: January 15, 2012

Act No. 117 (H.577). Conservation and development; municipal government; public water systems; isolation distances for potable water supply and wastewater systems**An act relating to public water systems**

This act amends the terms and conditions for the issuance of loans from the state special environmental revolving fund in order to meet federal requirements. The act allows the amount of a loan from the Vermont environmental protection agency (EPA) pollution control revolving loan fund for a combined sewer overflow abatement project to be up to 100 percent of the eligible project cost if the project is included on the priority list, and the project is capitalized with a federal clean water state revolving fund grant. The act authorizes the agency of natural resources (ANR) to forgive portions of a loan from the Vermont EPA pollution control revolving loan fund when the recipient project is on a priority list, the grant is capitalized by a federal clean water or federal drinking water state revolving fund grant, and the federal grant authorizes loan forgiveness.

The act also strikes the requirements that public water systems have a term of 10 years. The act authorizes ANR to issue an operating permit for a public water system when the system cannot meet the drinking water standards set by statute or rule. The act repeals the authority for temporary public water system permits. In addition, the act requires a property owner installing a wastewater system or water supply with isolation distances that extend onto the property of others to notify affected property owners by certified mail. Notice to affected property owners would be on a form provided by ANR instead of providing a copy of the full permit.

Multiple effective dates, beginning July 1, 2012

Act No. 118 (S.179). Conservation and land development**An act relating to amending perpetual conservation easements**

This act amends several provisions relating to conservation easements and conservation interests in real property. The act:

- Amends the statement of policy for the Vermont housing and conservation board to add language emphasizing the preservation of productive farms, farmland, and forestland for future generations
- In the statement of purpose for land acquisition by municipalities and state agencies, adds that the preservation of productive farmland strengthens the Vermont economy and helps to maintain historic settlement patterns
- Establishes that an easement holder may seek damages or injunctive relief against any person who damages the easement holder's rights, regardless of whether the owner of the underlying land is a party to the proceeding
- Creates a statutory presumption that the conveyance of an interest in real property less than fee simple is presumed to be perpetual, unless the conveyance is limited by its terms to a specific period
- Requires that mortgages, leases, transfers, and other conveyances of real property must reference any and all conservation rights associated with the property
- Amends Vermont's marketable title act, so that conservation easements are not barred or extinguished due to failure to file or refile notice in the land records
- Allows municipalities and state agencies to acquire and convey preemptive rights and options to purchase land or interests in land

The act also establishes a 16-member working group on conservation easements to make recommendations regarding the creation of a formal and transparent public process for the approval of amendments to perpetual conservation easements, the criteria for approving such amendments, and the entity most appropriate to review and approve such amendments. The working group is directed to study as well whether conservation rights and interests should be excluded from the statutory requirement to re-record interests in land every 40 years. The act requires the working group to submit a report to the house and senate committees on agriculture and on natural resources and energy by January 15, 2013. The provision establishing the working group on conservation easements is effective on passage, and the remainder of the act takes effect on July 1, 2012.

Multiple effective dates, beginning May 9, 2012

Act No. 138 (S.202). Conservation and land development; water resources; flood hazard areas; stream alteration

An act relating to regulation of flood hazard areas, river corridors, and stream alteration

This act authorizes the agency of natural resources (ANR) to adopt by March 15, 2014 rules for the regulation in flood hazard areas of uses exempt from municipal land use regulation. Adoption of the rules is intended to bring the state and participating municipalities into compliance with the Federal Emergency Management Agency's (FEMA's) national flood insurance program (NFIP). Beginning July 1, 2014, uses that are exempt from municipal land use regulations shall need an ANR permit if the use occurs in a flood hazard area of a NFIP town. ANR may delegate to other state agencies permitting and enforcement of the flood hazard area rules. The act makes conforming

amendment to municipal zoning authority to aid in state compliance with NFIP program. Prior to ANR adoption of flood hazard area rules for uses exempt from municipal land use regulation, the act provides that certain new facilities or activities shall be allowed in a flood hazard area only if they conform with FEMA's NFIP development requirements.

The act clarifies ANR's authority over stream alteration. The act defines instream material for purposes of stream alteration. The act requires ANR to permit construction of a berm in a river corridor or flood hazard area, unless the berm is an emergency measure. ANR is authorized to adopt rules to implement stream alteration requirements, and ANR is required to adopt rules regarding stream alteration during emergencies. ANR is authorized to adopt rules regarding stormwater management during emergencies.

The act requires ANR to assess the geomorphic condition and sensitivity of rivers and identify those that pose a probable risk of harm to life, property, or infrastructure. ANR shall map rivers based on river sensitivity assessments. Upon completion of a river sensitivity assessment, ANR shall provide a map of the river to the municipalities and regional planning commission in which the river is located. The map shall identify floodplains, river corridor areas, and FEMA zones, and shall recommend best management practices, such as vegetated buffers. ANR's maps and recommendations are for municipal reference and have no regulatory effect.

The act requires ANR to report to the general assembly with recommendations on how to remediate and fund remediation of the water quality of state surface waters. The act transfers rulemaking authority for water quality, wetlands, use of surface waters, classification of waters, surface levels, and lakes management from the water resources panel to ANR. ANR is directed to conduct a public participation process with stakeholders prior to rulemaking. The act clarifies that Vermont housing and conservation board funding is available for multiple conservation purposes, including surface water protection. The act amends the definition of "municipality" under the state revolving loan fund to clarify that statewide or regional utilities are eligible for awards from the fund. The act requires that sludge or septage be land applied according to a nutrient management plan. Due to the pending resissuance of the Lake Champlain total maximum daily load plan (TMDL), the act amends requirements that ANR revise and report on implementation of TMDL. The act requires the department of public safety to develop educational materials regarding the treatment of propane and fuel tanks during emergencies.

Multiple effective dates, beginning May 14, 2012

Act No. 148 (H.485). Conservation and land development; solid waste; recycling

An act relating to establishing universal recycling of solid waste

This act amends multiple requirements for the management of solid waste in the state.

The act requires solid waste facilities to separate recyclable materials from solid waste and requires waste transporters to offer to collect recyclable materials separate from solid waste. The recyclable materials required to be separated are: mandated recyclables, leaf and yard residuals, and food residuals. Mandated recyclable is defined as source-separated, traditional recyclable materials, such as cans, glass bottles, plastic containers, cardboard, and newspaper. Leaf and yard residuals are defined as

source-separated, compostable untreated vegetative matter. Food residuals are defined as source-separated, compostable material derived from the processing or discarding of food. The requirements for separation of recyclable materials are phased in over several years. The act authorizes certain exemptions or variances for solid waste facilities and transporters. A solid waste facility that offers the collection of solid waste shall not charge a separate fee for the collection of mandated recyclables. Facilities may charge a commercial hauler for the collection of mandated recyclables. A transporter that offers the collection of solid waste shall not charge a separate line item fee for collection of mandated recyclables, but may charge a fee for each service call at a residential property.

The act establishes a hierarchy of how food residuals should be managed for various available uses. The act requires generators of food residuals to separate food residuals from solid waste and manage the residuals on site or transfer them to a location for management. The requirement to separate food residuals is only triggered when a generator exceeds a specified threshold amount, and the generator is located within 20 miles of a certified organics management facility that has capacity and will accept the residuals. The act provides that a de minimis amount of food residuals may be disposed of in solid waste. The date by which a generator will be required to separate food residuals will be phased in based on the tonnage of food residuals generated per year. By July 1, 2020, any person generating any amount of food residuals will be required to manage the residuals on site or arrange for their transfer.

The act requires the agency of natural resources (ANR) to readopt the state solid waste management plan by November 2013. The act adds additional priorities that the solid waste plan is required to promote, including materials management which generates less waste, closed loop recycling, and reduction of reliance on disposal. The act requires the state solid waste implementation plan to include additional information, including a waste stream analysis and a waste composition study. ANR is required to report to the general assembly in November 2013 with a comprehensive analysis of the state solid waste system. The act requires a separate report on the management of waste tires in the state and a separate report on the expansion of the beverage container redemptions system.

The act requires municipal solid waste implementation plans to implement variable rate pricing for the collection of municipal solid waste by July 1, 2015. The act also imposes landfill disposal bans for mandated recyclable materials, leaf and yard residuals, wood waste, and food residuals. Beginning July 1, 2015, when a public building or public land provides a container for solid waste collection, an equal number of containers shall be provided for mandated recyclables. The act makes additional technical changes to ANR's solid waste management authority.

Effective Date: July 1, 2012

Act No. 152 (H.464). Conservation and development; natural gas and oil practices; water resources; hydraulic fracturing

An act relating to hydraulic fracturing wells for natural gas and oil production

This act prohibits any person in the state from engaging in the practice of hydraulic fracturing for oil or natural gas and from collecting, storing, or treating wastewater from hydraulic fracturing. The act prohibits the discharge of waste from hydraulic fracturing into or from a pollution abatement facility in the state. The act requires the secretary of

natural resources to report to the general assembly on or before January 15, 2015 with a recommendation on how hydraulic fracturing should be regulated in the state. The act also requires the secretary of natural resources to report to the general assembly on or before January 15, 2016 regarding the safety of hydraulic fracturing, including whether the prohibition on hydraulic fracturing should be repealed. In addition, the act requires the agency of natural resources to amend the rules for discharges to an injection well on or before July 15, 2015.

Effective Date: May 16, 2012

Act No. 163 (S.183). Conservation and land development; potable water supplies

An act relating to the testing of potable water supplies

This act establishes requirements for providing informational material regarding the health effect of contaminated groundwater to persons who may use a potable water supply that is not subject to water quality testing requirements. A well driller drilling or developing a new water well for use as a potable water supply shall provide the owner of the property with informational material regarding the health effects of contaminated groundwater and recommended tests to detect specific contaminants. Similarly, the seller of a real property with a potable water supply that is not served by a public water system shall, for a contract for a conveyance of real property on or after January 1, 2013, provide the buyer within 72 hours of execution informational material regarding the potential health effects of the consumption of contaminated groundwater and the availability of test kits provide by the department of health. The act also requires the department of health to update its education and outreach materials regarding the potential health effects of contaminants in groundwater. The department of health is also required to propose language to be added to a seller's property information report regarding the requirement that a seller notify the buyer of the health effects of groundwater when the real property has a potable water supply that is not a public water system.

Effective Date: January 1, 2013

Also see: Municipal Charters; Act No. M-11 (H.484); An act relating to amendment to the Windham solid waste district charter

Also see: Public Service; Act No. 125 (H.475); An act relating to net metering and the definitions of capacity

Also see: Public Service; Act No. 165 (S.148); An act relating to expediting development of small and micro hydroelectric projects

Also see: Public Service; Act No. 170 (S.214); An act relating to the Vermont Energy Act of 2012

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Consumer Protection

Act No. 109 (H.254). Consumer protection

An act relating to consumer protection

This act creates a new subchapter within Vermont's consumer protection laws to regulate discount membership programs, expands the requirements of the laws governing security breaches to include notification to the attorney general, expands the duties of the department of information and innovation to include information security, and modifies the name of the consumer fraud act to become the consumer protection act.

Effective Date: May 8, 2012

Act No. 136 (H.730). Consumer protection

An act relating to miscellaneous consumer protection laws

This act adds multiple consumer protection provisions.

Secs. 1, 1a, and 1b provide for the relocation of certain provisions and the redesignation of the consumer fraud act as the consumer protection act.

Sec. 2 creates new disclosure and recordkeeping requirements for businesses that offer charitable sales promotions (cause-related marketing).

Sec. 3 amends current law concerning the credit billing for certain home solicitation services, addressing from whom and in what time frame a consumer may recover for certain charges to his or her credit card.

Secs. 4–5 address lead in food, vitamins, and supplements, including findings about the danger of lead for children and a modification to the definition of “children’s product” to allow the attorney general to enforce through his or her consumer protection authority lead contamination in products that children may ingest.

Sec. 6 addresses the rights and duties of senders and recipients of unsolicited goods and services.

Sec. 7 addresses the requirements for the offer, use, and validity of gift certificates.

Sec. 8 adopts new consumer protection provisions addressing unlicensed Internet lending.

Secs. 9–11 authorize and provide requirements for a new line of insurance, portable electronics insurance.

Sec. 12 requires the attorney general to study and propose consumer protections for older Vermont consumers.

Sec. 13 amends language governing the timing of when heating suppliers may be paid for fuel sold through the low income heating assistance program, and directs the public service board to create a new requirement for Vermont gas utilities to offer a low income discount heating program.

Sec. 13a requires the department of public safety and others to evaluate requiring residential sprinkler systems and how to recover costs thereof.

Multiple effective dates, beginning May 18, 2012

Act No. 168 (H.778). Consumer protection; structured settlements; collusion**An act relating to structured settlements and to prohibiting collusion as an antitrust violation**

This act establishes standards for and requires court approval of structured settlements, which are arrangements for periodic payments that a person agrees to accept in order to resolve a legal claim the person has. Before the person can sell the right to receive the payments to a third party (a sale which is typically made at a discount in order to receive a lump sum payment), the proposed purchaser must disclose information about the transaction to the seller, and the seller must be offered the opportunity for independent financial advice. The transfer may not be approved unless the court finds that it is in the best interests of the seller. The act also establishes collusion as a criminal antitrust violation, and defines collusion to mean an agreement, contract, combination in the form of trusts or otherwise, or conspiracy to engage in price fixing, bid rigging, or market division or allocation of goods or services between or among persons.

Multiple effective dates, beginning May 18, 2012

Also see: Commerce and Trade; Act No. 78 (H.512); An act relating to banking, insurance, securities, and health care administration

Also see: Health; Act No. 171 (H.559); An act relating to health care reform implementation

Also see: Housing; Act No. 137 (S.99); An act relating to supporting mobile home ownership, strengthening mobile home parks, and preserving affordable housing

Corrections**Act No. 88 (H.613). Education; Community High School of Vermont****An act relating to governance of the Community High School of Vermont**

This act corrects outdated references to the director of corrections education and clarifies that the Community High School of Vermont must provide special education services to its enrolled students. In addition, it requires that members of the school's governing board are selected to ensure geographic representation, explicitly authorizes the board to create a structure for local advisory boards, and requires the board to report annually to the secretary of human services and the commissioner of corrections as well as to the state board of education. Finally, this act transfers power to appoint the director of corrections education from the board of the Community High School to the commissioner of corrections in consultation with the board.

Effective Date: April 25, 2012

Also see: Domestic Relations; Act No. 119 (S.203); An act relating to child support enforcement

Also see: Human Services; Act No. 87 (H.765); An act relating to the mental health needs of the corrections population

Crimes and Criminal Procedures**Act No. 94 (S.122). Judiciary; crimes and criminal procedure; human trafficking****An act relating to human trafficking and prostitution**

This act provides that a victim of human trafficking may file a motion to vacate a conviction for prostitution. A court must grant the motion to vacate if it finds that the person was convicted of prostitution as a result of having been a victim of human trafficking. Official documentation provided by a federal, state, or local government agency of a person's status as a victim of human trafficking shall create a presumption that the person's prostitution conviction was obtained as a result of having been a victim of human trafficking. The act also expands the address confidentiality program, also known as the Safe at Home program, to allow victims of human trafficking to apply for a substitute address service and a protected records service provided by the secretary of state.

Effective Date: May 1, 2012

Act No. 100 (S.115). Crimes and criminal procedures; ineffective assistance of counsel**An act relating to ineffective assistance claims against assigned counsel**

This act prohibits malpractice claims against public defender contract attorneys unless the plaintiff has first prevailed in a postconviction relief claim against the attorney based upon ineffective assistance of counsel in the same or a substantially related matter.

Effective Date: July 1, 2012

Act No. 121 (S.226). Crimes and criminal procedures; conspiracy; regulated drugs; gangs**An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction**

This act:

- Eliminates the five-year prison cap on punishment for conspiracy
- Establishes a new crime and penalties for use of a firearm during and in relation to selling or dispensing a regulated drug in an amount that triggers trafficking laws or the level just below trafficking. "Use of a firearm" includes the exchange of firearms for drugs, and this section shall apply to the person who trades a firearm for a drug and the person who trades a drug for a firearm
- Establishes the gang mobile enforcement team within the drug task force. The team will be made up of state and local investigators to include uniformed troopers and shall focus on gangs and organized criminal activity to include drug and gun trafficking and associated crimes
- Establishes the gang activity task force for the purpose of raising public awareness about gang activity and organized crime in Vermont and across state and international borders, identifying resources for local, county, and state law enforcement officials, recommending to the public ways to identify and report acts of gang activity and organized crime, and making findings and recommendations regarding those efforts to the general assembly. On or before

November 15, 2012, the task force shall report to the members of the senate and house committees on judiciary and to the legislative council its recommendations and legislative proposals, if any, relating to its findings

- Directs the office of the attorney general to examine whether Vermont would benefit from a state Racketeer Influenced and Corrupt Organizations Act and to report to the general assembly no later than January 15, 2013 regarding its recommendations and legislative proposals, if any, relating to its findings

Effective Date: May 9, 2012

Act No. 131 (S.37). Crimes and criminal procedures

An act relating to expungement and sealing of criminal history records

This act establishes a process that permits a person convicted of certain minor offenses to petition the court to have his or her criminal history records expunged or sealed. The court must grant an expungement petition if: (1) at least 10 years have passed since the person completed the terms and conditions of his or her sentence, or the person has successfully completed the terms and conditions of an indeterminate term of probation that began 10 years prior; (2) the person has not been convicted of a new crime since the qualifying crime conviction; (3) any restitution has been paid; and (4) the court finds that expungement serves the interest of justice. An expungement petition must also be granted if: (1) at least 20 years have passed since the person successfully completed the terms and conditions of the sentence for the conviction; (2) the person has not been convicted of a felony since the qualifying crime conviction; (3) the person has not been convicted of a misdemeanor during the past 15 years; (4) any restitution has been paid; and (5) the court finds that expungement serves the interest of justice. If the person committed the qualifying crime after reaching the age of 19, the court may seal the record if it finds that sealing better serves the interest of justice than expungement.

Under certain circumstances, the act also permits a person to petition the court to expunge a criminal history record if no conviction was obtained. The court must grant such a petition if it finds that expungement serves the interest of justice and one of the following conditions is met: (1) no criminal charge was filed by the state and the statute of limitations has expired; (2) the court did not make a determination of probable cause at the time of arraignment or dismissed the charge at the time of arraignment and the statute of limitations has expired; (3) the charge was dismissed before trial with prejudice or was dismissed without prejudice and the statute of limitations has expired; or (4) the parties stipulate to expungement or sealing. As in cases where a conviction was obtained, the court may seal the record if it finds that sealing better serves the interest of justice than expungement and the person committed the qualifying crime after reaching the age of 19.

The act provides that a person whose record is expunged or sealed shall be treated as if he or she had never been arrested, convicted, or sentenced for the offense. In any application for employment, license, civil right, or privilege, or in an appearance as a witness in any proceeding, the person may only be required to answer questions about arrests or convictions that have not been expunged or sealed. The act permits the court to maintain a confidential special index containing the name of the person, his or her birthday, the docket number, and the criminal offense that was the subject of the

expungement. The court may permit access to the special index if it finds that inspection is necessary to serve the interest of justice, and the administrative judge may permit access to it for research purposes. All other documents subject to the expungement order must be destroyed and any inquiry into the expunged record must be met with the response “NO RECORD EXISTS.” Sealed records must be flagged as “SEALED” and any inquiry about the sealed record must be met with the response “NO RECORD EXISTS.” However, a sealed record may continue to be used for any litigation or claim related to the incident involving the same defendant, and sealed records may also be used in future criminal investigations or prosecutions under certain circumstances.

Effective Date: July 1, 2012

Act No. 141 (H.413). Crimes and criminal procedure; abuse, neglect and exploitation of vulnerable adults

An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult

This act permits the attorney general to bring a civil action for damages on behalf of the state against a person or caregiver who, with reckless disregard or with knowledge, abuses, neglects, or exploits a vulnerable adult. The act establishes the amount of damages and the civil investigation procedure for a civil enforcement action. It also amends the statute on records of abuse, neglect, and exploitation to allow the investigating report to be disclosed to designated persons or entities for a civil enforcement action and a civil investigation.

Effective Date: July 1, 2012

Act No. 145 (S.189). Crimes and criminal procedures

An act relating to expanding confidentiality of cases accepted by the court diversion project

This act makes several amendments to the diversion program and to victims compensation and restitution procedures. The act requires the prosecuting attorney to notify the diversion program in writing that an offender is being referred to the program, and clarifies what records related to a case referred to diversion are confidential and under what circumstances the prosecuting attorney may release information to the victim. When a case has been referred to the diversion program, the act permits the victim to be compensated for his or her loss by receiving an advance payment from the restitution unit, and authorizes the unit to enforce the diversion contract in court for purposes of requiring payment of restitution by the offender. The act requires a hearing when the parties dispute the amount of restitution, and requires, with some exceptions, that documents reviewed by the victims’ compensation board for purposes of approving an application for compensation be confidential and not disclosed without consent of the victim.

Multiple effective dates, beginning May 15, 2012

Also see: Human Services; Act No. 159 (H.751); An act relating to jurisdiction of delinquency proceedings

Also see: Motor Vehicles; Act No. 164 (S.251); An act relating to miscellaneous amendments to laws pertaining to motor vehicles

Also see: Municipal government; Act No. 83 (H.634); An act relating to remedies for failure to pay municipal tickets

Also see: Public Safety; Act No. 134 (H.535); An act relating to racial disparities in the Vermont criminal justice system

Domestic Relations

Act No. 92 (H.758). Domestic relations; divorce and dissolution

An act relating to divorce and dissolution proceedings

This act provides a procedure for nonresidents to obtain a divorce or dissolution in Vermont if their marriage or civil union was established in Vermont.

Under the previous law, a complaint for divorce or dissolution could be brought in Vermont only if either party to the marriage or civil union resided in Vermont for a period of six months or more immediately prior to the filing. The divorce or dissolution decree could not be finalized unless the plaintiff or defendant had resided in Vermont for at least one year preceding the date of the final hearing. Under this act, the following procedures have been established for granting uncontested divorces and dissolutions:

Nonresident couple with either a Vermont marriage or Vermont civil union

If neither party currently lives in Vermont, but the couple was either married or joined in a civil union in Vermont, either party may file for an uncontested divorce or dissolution, provided:

- (1) The marriage or civil union was established in Vermont.
- (2) Neither party's state of legal residence recognizes the couple's Vermont marriage or civil union for purposes of divorce or dissolution.
- (3) There are no minor children who were born or adopted during the marriage or civil union.
- (4) The parties file a stipulation together with a complaint that resolves all issues in the divorce or dissolution action.

The court will waive a final hearing on any such divorce or dissolution action unless the court determines upon review of the complaint and stipulation that the filing is incomplete or that a hearing is warranted for the purpose of clarifying a provision of the stipulation.

Final uncontested hearings in a nonresident divorce or dissolution action will be conducted by telephone unless one or both of the parties choose to appear in person.

The filing fee for an uncontested divorce or dissolution pursuant to a stipulation by nonresidents is \$150.00. The current fee for residents is \$75.00.

Resident or nonresident couple who is married and was joined in a civil union in Vermont

A couple who is both married and joined in a Vermont civil union and wishes to dissolve the civil union, but keep the marriage, may file for an uncontested dissolution, provided:

- (1) The civil union was established in Vermont.
- (2) Both parties sign a form prescribed by the court administrator.
- (3) The parties provide a copy of the marriage certificate with the petition.

The grounds for the dissolution shall be that the parties are legally married at the time of the dissolution of the civil union. The court may immediately grant the petition without requiring a hearing by issuing an order of uncontested dissolution.

The benefits, protections, and responsibilities under law, whether they derive from statute, administrative or court rule, policy, common law, or any other source of civil law, shall continue in the same manner.

The filing fee will be the same as for an uncontested dissolution pursuant to a stipulation.

Resident or nonresident couple who was joined in a civil union in Vermont and is planning to marry in Vermont

A couple who was joined in a civil union in Vermont may elect to dissolve its civil union upon marrying one another but is not required to do so.

If a couple elects this option, each party to the intended marriage shall sign a statement on the confidential portion of the civil marriage license and certificate form stating that he or she freely and voluntarily agrees to dissolve the civil union between the parties.

Dissolution pursuant to this provision will become effective upon solemnization of the marriage between the parties, and the parties will not be required to file a petition for an uncontested dissolution.

A dissolution granted pursuant to this provision will be exempt from fees for filing for dissolution.

The office of legislative council with the assistance of the judiciary is directed to examine how to provide access to Vermont courts to nonresidents with a Vermont civil union or a Vermont marriage for the purpose of granting a dissolution or divorce in cases in which issues are contested or parental rights and responsibilities are involved or both and report to the house and senate committees on judiciary no later than January 15, 2013.

Effective Date: July 1, 2012

Act No. 119 (S.203). Domestic relations; child support

An act relating to child support enforcement

This act addresses a number of strategies available to the state for the purpose of enforcing child support orders. The act begins with the establishment of a process for

contempt proceedings when a person has violated an order of the family division relating to a financial obligation, such as payment of child support, spousal maintenance, or a lump sum property settlement. The person against whom the contempt proceedings are brought is notified of a hearing at which the person must appear to show cause why he or she should not be held in contempt. The person is notified that failure to appear at the hearing may result in the issuance of an arrest warrant directing a law enforcement officer to transport the person to court, that the person has a right to be represented by counsel, and that counsel may be appointed for the person if the person is financially needy.

A person who is subject to a court-ordered financial obligation and who has received notice of the obligation is presumed to have the ability to comply with the order. In a contempt proceeding, the noncomplying party may overcome the presumption by demonstrating that, due to circumstances beyond his or her control, he or she did not have the ability to comply with the court-ordered obligation.

A person may be held in contempt of court if the court finds all of the following:

- The person knew or reasonably should have known that he or she was subject to a court-ordered obligation
- The person has failed to comply with the court order
- The person has willfully violated the court order, i.e., he or she had the ability to comply with the order and did not

Upon a finding of contempt, the court will determine appropriate sanctions to obtain compliance with the court order. The court is authorized to order:

- The person to perform a work search and report the results of his or her search to the court or to the office of child support or both
- The person to appear before a reparative board
- Incarceration of the person unless he or she complies with purge conditions established by the court

A court may order payment of all or a portion of the unpaid financial obligation as a purge condition, provided that the court finds that the person *has the present ability to pay the amount ordered* and sets a date certain for payment.

The act extends the authority of the office of child support (OCS) to file for a modification of a child support order under the following circumstances:

- OCS is providing services under Title IV-D of the Social Security Act
- A party is or will be incarcerated for more than 90 days
- The family has reunited or is living together
- The child is no longer living with the payee
- A party receives means-tested benefits

Other provisions in the act include:

- Permitting a court to order a parent who is an obligor or a parent who will become the obligor pending an anticipated child support order to participate in employment, educational, or training-related activities if the court finds that participation in such activities would assist in providing support for a child, or in addressing the causes of the default. Under current law, this option is only available if the obligor is in default
- Providing that receipt of means-tested public assistance benefits or incarceration for more than 90 days shall be considered a real, substantial, and unanticipated change of circumstances that permits the court to consider a modification of an existing child support order
- Providing that if a party fails to provide income and asset information as required, the court shall use the available evidence to estimate the noncomplying parent's income. Failure to provide the information may create a presumption that the noncomplying parent's gross income is 150 percent of the most recently available annual average covered wage for all employment as calculated by the department of labor. A court may relieve a party from a final judgment or child support order upon a showing that the income used in a defaulted child support order was inaccurate by at least 10 percent
- Permitting referral of child support contemnors to reparative boards

Effective Date: July 1, 2012

Economic Development

See: Agriculture; Act No. 142 (H.496); An act relating to preserving Vermont's working landscape

See: Commerce and Trade; Act No. 84 (H.21); An act relating to the mutual benefit enterprise act

See: Commerce and Trade; Act No. 110 (H.556); An act relating to creating a private activity bond advisory committee

See: Commerce and Trade; Act No. 146 (S.217); An act relating to closely held benefit corporations

See: Executive Branch; Act No. 112 (S.215); An act relating to evaluating net costs of government purchasing

See: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Education

Act No. 98 (H.440). Education; governance; secretary; agency

An act relating to creating an agency and secretary of education and clarifying the purpose of the state board

This act creates an agency of education under the direction of a secretary. It provides that the governor will appoint the secretary from a list of no fewer than three candidates proposed by the state board of education and that the appointment will be subject to the advice and consent of the senate. The secretary will serve at the pleasure of the governor and serve as a member of the cabinet. To be appointed as secretary, an individual must have expertise in education management and policy and demonstrated leadership and management abilities.

This act states that when selecting individuals to serve on the state board, priority shall be given to individuals with a demonstrated commitment to ensuring quality education for Vermont students. It also states that the secretary will serve as a nonvoting member of the board.

The act clarifies the duties of the state board by, among other things, declaring that it has the overall responsibility to evaluate education policy proposals, including those of the governor and secretary; to engage with local school board members and the broader education community; and to establish and advance education policy for the state.

The secretary will assume the powers and responsibilities of the commissioner and the agency will assume the powers and responsibilities of the department on January 1, 2013. If a new secretary has not been appointed by that date, then the commissioner or acting commissioner is authorized to perform the duties until the secretary has assumed office. Legislative counsel is directed to prepare a technical corrections bill by January 15, 2013 and to identify substantive issues that the legislature should consider to effect the purpose of the act.

Multiple effective dates, beginning on May 3, 2012

Act No. 101 (S.181). Education; school resource officers

An act relating to school resource officers

This act confirms that neither the state board of education nor the department can regulate the use of restraint and seclusion by a fully sworn school resource officer and repeals any portion of board rule that purports to do so. In addition, it encourages school districts to enter into memoranda of understanding with school resource officers regarding the officer's possession and use of weapons on school property and the nature and scope of the officer's assistance to the school system.

Effective Date: May 4, 2012

Act No. 129 (H.771). Education; miscellaneous amendments; bullying; public high school choice**An act relating to making technical corrections and other miscellaneous changes to education law**

This act makes miscellaneous technical and other minor amendments to education law, including:

- Deleting outdated references and definitions and correcting the incorrect definition or usage of defined terms (Secs. 1, 5, 6–8, and 32)
- Amending a supervisory union’s responsibility to hire someone to perform financial and student data management duties for the supervisory union (SU) by adding the requirement that this person performs the duties for the member districts as well, in order to conform with the Act 153 (2010) requirement that SUs assume these duties on behalf of the districts (Sec. 2). Similarly, the act updates language concerning auditing of school district and supervisory union accounts so that the auditing takes place at the SU level (Secs. 18–31)
- Clarifying that the authority of a school district and town to lend each other money without interest is permissible, notwithstanding the provision of law that forbids using town money for education purposes; requiring the school board to report the loans to the department of education (Sec. 3)
- Stating that two of the gubernatorial appointments to the special education advisory council will now be at-large members (Secs. 14–15)
- Adding an additional member to the Prekindergarten–16 Council who will represent the interest of after-school, summer, and expanded learning programs (Sec. 16)
- Clarifying that residents of an unorganized town, grant, and gore that is a member of a technical center school district may vote for the district board members and be elected or appointed to serve on the board (Sec. 17)

In addition, under current law, 16 V.S.A. § 821(c) authorizes a school district that maintains an elementary school to pay tuition to another public elementary school if it would be more convenient for the child due to geographic reasons. When the legislature required public schools to offer kindergarten in 1985, it added the kindergarten provision as a separate subsection (b) within section 821. The result is that although “elementary education” is elsewhere defined as including “kindergarten,” it has been unclear to some districts whether the authority to pay tuition for geographic reasons applies to kindergarten. This act deletes the separate subsection (b) dealing with kindergarten and makes it clear that kindergarten is within the definition of elementary school for purposes of 16 V.S.A. § 821 as it is in other sections of Title 16 (Sec. 4).

When a school district intends to begin or expand a prekindergarten program, it is required to go through a public needs process to identify existing private providers with which it could contract. This act provides a very limited exception to that general rule: School districts are federally required to maintain a certain ratio of nonspecial needs children to special needs students for whom they must provide services. If there is an

influx of special needs students and if any existing private provider with which the district already contracts is unable to absorb the extra students, then a district is permitted to begin or expand a program without the public needs assessment to satisfy the federally required ratio (Secs. 9–10).

This act repeals 16 V.S.A. § 565, which currently requires public school districts and approved and recognized independent schools to adopt hazing and harassment prevention policies, and replaces it with a new chapter 9, subchapter 5, §§ 570–570c. Although most of the changes are reorganizational and stylistic, the primary substantive change is that schools are required to adopt bullying prevention policies as well, which must be implemented by January 1, 2013. A school that does not adopt a harassment, hazing, or bullying prevention policy will be presumed to have adopted the model policy published by the department of education. The act also adds a student member to the statewide harassment, hazing, and bullying prevention advisory council (Secs. 11–13).

This act repeals regional public school choice after the 2012–2013 academic year and replaces it with statewide public high school choice. In both the existing regional and the new statewide programs, “high school” is defined as grades 9 through 12 (Secs. 33–37).

Multiple effective dates, beginning May 11, 2012

Act No. 140 (H.412). Education; harassment

An act relating to harassment in educational settings

This act defines the legal standard under the Vermont Fair Housing and Public Accommodations Act necessary to prevail in an action alleging harassment in an educational setting.

Currently, Vermont schools are required to adopt policies regarding harassment that include procedures for administrative processes and remedies to address alleged harassment. State law defines “harassment” as *an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.*

A school that receives actual notice of conduct that may constitute harassment must promptly investigate to determine whether harassment occurred and provide a copy of the school’s harassment policy to the alleged victim, alleged perpetrator, and their parents or guardians. If a school finds harassment did occur, it must take prompt and appropriate remedial action reasonably calculated to stop the harassment.

An alleged victim of harassment may bring a claim against the school under the Vermont Fair Housing and Public Accommodations Act only after exhausting the administrative remedies provided to the student under the school’s harassment policy. The aggrieved party may file a charge of discrimination with the Vermont human rights commission (HRC) or may bring an action for injunctive relief and compensatory and punitive damages and any other appropriate relief in the superior court of the county in

which the violation is alleged to have occurred. The HRC may bring an action in the name of the commission to enforce the provisions.

Act 140 specifically sets forth that in order to prevail in an action alleging unlawful harassment, the plaintiff must prove both of the following:

(1) The student was subjected to unwelcome conduct based on the student's or the student's family member's actual or perceived membership in a category protected by law by 9 V.S.A. § 4502.

(2) The conduct was either:

(A) for multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution; or

(B) for a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution.

Effective Date: May 15, 2012

Act No. 151 (S.245). Education; comprehensive health education; CPR

An act relating to requiring cardiovascular care instruction in public and independent schools

This act clarifies that a “comprehensive health education” includes “information regarding and practice of compression-only CPR [cardiopulmonary resuscitation] and the use of AEDs [automated external defibrillators]” and requires the commissioner of education annually to inform superintendents and principals about regional resources available for this instruction. It also requires the commissioner to provide the education community with updated information about the provision of comprehensive health education. Finally, it requires the commissioner to collect data and report on the extent to which schools are currently providing CPR and AED instruction.

Effective Date: May 16, 2012

Act No. 156 (S.113). Education; abuse reporting; independent schools; merger; union school districts; supervisory unions; excess spending

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

This act provides varying levels of reimbursement and incentive grants to encourage school districts and supervisory unions to work together, either contractually or by merging governance structures. Some of the grants replace similar or identical provisions created in other years so that all similar funding mechanisms are located in one bill and share a common sunset date of July 1, 2017 (Secs. 2–6, 9–11, and 13). It provides both a facilitation grant (per Sec. 6) and a one-time tax-relief grant to the merging Rutland–Windsor and Windsor South West Supervisory Unions (Sec. 7). The act allows new joint contract schools to receive transition facilitation grants in certain, narrow

circumstances (Sec. 12) and authorizes new interstate districts to receive the same financial incentives available to Regional Education Districts (“REDs”) under No. 153 of the Acts of the 2009 Adj. Sess. (2010) if the Vermont members of the new interstate district meet one of the alternative size criteria for RED formation (Sec. 14). The act also permits three variations of the RED structure to receive incentives available to a RED (Secs. 15–17). The act appropriates \$650,000.00 from the education fund for use in FY2013 (Sec. 22).

The act requires the secretary of administration to explore the purpose, structure, duties, and authority of supervisory unions and design a revised structure based on the technical center regions, with no more than three supervisory unions per region (Sec. 8).

The act amends the process for the analysis and formation of any new union school district (not just for REDs) by requiring that before a study committee submits the report to the state board of education for review and approval, the committee must send the report for review and comment to the local school boards of the districts identified as necessary or advisable and to any other districts that participated in the study (Sec. 18). It also clarifies existing law regarding when a provision in the voter-approved agreement to form a union school district can be changed by vote of the union school board and when it can be changed only by submitting the question to the voters (Sec. 19).

The act extends the implementation date by which all supervisory unions must provide special education and transportation services for their member districts from July 1, 2013 to July 1, 2014 (Sec. 20). It also creates a working group to develop a detailed plan by which all supervisory unions will fully implement the special education requirement by the July 1, 2014 deadline (Sec. 21).

The act permits a district that tuitions all kindergarten through 12th grade students to exclude all tuition from excess spending calculations. This act maintains existing exemptions for unexpected tuition paid by a district that tuitions all students *for which it is organized* (and so could be, *e.g.*, a high school district) (Sec. 23).

The act ensures that nonlicensed special education and transportation employees who currently work for a district and are required by No. 153 of the Acts of the 2009 Adj. Sess. (2010) to become employees of the supervisory union (SU) do not lose their membership in the Vermont Municipal Employees’ Retirement system, if they were members prior to transfer to the SU (Secs. 24–26).

The act amends 16 V.S.A. § 563a to require independent schools to provide training regarding the prevention, identification, and reporting of child sexual abuse and amends 33 V.S.A. § 4913 to add headmasters and employees of independent schools to the list of mandatory reporters of child abuse and neglect. The act also repeals language in section 4913 that limited mandatory reporting to individuals who are “regularly” employed by a school or who are employed by contract with a school for “five or more hours per week during the school year” (Secs. 27–28). This act requires that a school employee, all of whom are mandatory reporters of child abuse and neglect, be present during any instruction under 16 V.S.A. § 131, which requires that age-appropriate instruction in recognizing and preventing sexual abuse and violence be included as part of a comprehensive health education (Sec. 29). This act also requires the department for children and families, the department of education, and the network against domestic and

sexual violence to develop and report back on best practices for responding to a student's disclosure of abuse or neglect that is made during the prevention instruction (Sec. 30).

The act creates a working group to review and evaluate how Vermont spends financial and other resources to provide high quality, equitable educational opportunities for students throughout the state. The working group is also required to consider how impediments to opportunity – such as poverty—can be mitigated. There would be six members of the working group: one member each from the house, the senate, and the administration and three members of the public. The working group is authorized to spend up to \$30,000.00 of funds already appropriated to the legislature for fiscal year 2013 for research and other assistance from the Jeffords Center (Sec. 31).

The act adds a student member to the harassment, hazing, and bullying advisory council (Sec. 32).

The act authorizes Strafford to continue to pay tuition to a *nondesignated* school in an amount equal to the tuition it pays to the *designated* school for the rest of its students, even if it is not the least of the three amounts as required by statute (Sec. 33).

Multiple effective dates, beginning May 16, 2012

Also see: Correction; Act No. 88 (H.613); An act relating to governance of the Community High School of Vermont

Also see: Health; Act No. 68 (S.92); An act relating to the protection of students' health by requiring the use of safe cleaning products in schools

Also see: Health; Act No. 157 (S.199); An act relating to immunization exemptions and the immunization pilot program

Also see: Taxation and Fees; Act No. 67 (H.461); An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage

Also see: Taxation and Fees; Act No. 72 (H.505); An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Elections

No applicable act summaries.

Executive Branch

Act No. 89 (H.550). Executive branch; legislature; administrative rules; emergency rules

An act relating to the Vermont administrative procedure act

This act allows an agency to withdraw an emergency rule following an objection to the emergency rule by the legislative committee on administrative rules (LCAR). Upon the emergency rule's withdrawal, any existing rule that was amended by that emergency

rule would revert to its original form, as though the emergency rule had never been adopted.

Moreover, this act authorizes LCAR by majority vote to request that a standing committee of the legislature review a final proposed rule, without affecting the review or review period of the final proposed rule.

Effective Date: July 1, 2012

Act No. 112 (S.215). Executive branch; government purchasing

An act relating to evaluating net costs of government purchasing

This act directs the secretary of administration and the legislative economist to design and implement a one-year pilot project to conduct an econometric analysis of government contracts for goods and services.

Effective Date: July 1, 2012

Act No. 113 (S.237). Executive branch; genuine progress indicator

An act relating to the genuine progress indicator

This act establishes the genuine progress indicator (the “GPI”). Sec. 1 of the act sets forth the definition and purpose of the GPI, as well as the legislature’s intent in the use of the GPI. The GPI is defined as an estimate of the net contributions of economic activity to the well-being and long-term prosperity of our state’s citizens, calculated through adjustments to gross state product that account for positive and negative economic, environmental, and social attributes of economic development. The stated purpose of the GPI is to measure Vermont’s economic, environmental, and societal well-being as a supplement to the measurement derived from the gross state product and other existing statistical measurements. The legislature’s intent in using the GPI once it is established and tested is to assist state government in decision-making by providing an additional basis for budgetary decisions, including outcomes-based budgeting; to measure progress in the application of policy and programs; and to serve as a tool to identify public policy priorities, including other measures such as human rights.

Sec. 2 of the act sets forth the logistics of establishing and maintaining the GPI. Pursuant to this section, the secretary of administration will negotiate and enter into a memorandum of understanding with the Gund Institute for Ecological Economics of the University of Vermont for the establishment, testing, maintenance, and updating of the GPI. This section also requires that once established, the GPI and its underlying datasets shall be posted on the state of Vermont website. Furthermore, the section also requires the secretary of administration to cooperate in providing data as necessary in order to update and maintain the GPI.

Moreover, this act, in Sec. 3, requires the secretary of administration, by January 15, 2013 and once every other year thereafter, to submit to the house committees on government operations and on commerce and economic development and the senate committees on government operations and on economic development, housing and general affairs a progress report regarding the maintenance, including the cost of maintenance, and the usefulness of the GPI.

Effective Date: May 8, 2012

Act No. 130 (H.780). Executive branch; judiciary; state employees; compensation

An act relating to compensation for certain state employees

This act is also referred to as the “Pay Act.” Sec. 1 provides the discretionary ability to restore in fiscal year 2013 the amounts equal to the three-percent reduction in pay taken on July 1, 2010 by exempt employees in the executive branch earning under \$60,000.00 annually and the five-percent reduction in pay taken on January 1, 2009 by exempt employees in the executive branch earning \$60,000.00 or more annually. Sec. 2 provides the discretionary ability to provide exempt employees in the executive branch with cost-of-living adjustments in fiscal years 2013 and 2014. Sec. 3 provides the rates of annual salary adjustments, increases, and bonuses available to certain state employees in fiscal years 2013 and 2014 pursuant to 32 V.S.A. §§ 1003(b) and 1020(b). Secs. 4, 5, 6, 7, 9, and 10 of the act provide salary adjustments for certain state employees in the executive and judicial branches whose salaries or daily compensation are set in statute. Sec. 11 advises that the compensation provided in this act is funded by appropriations made in H.781, now Act No. 162.

Finally, Secs. 8 and 12 of this act provide for two studies. Sec. 8 requires the court administrator to conduct a weighted caseload study of the probate division and to report his or her findings to the senate and house committees on government operations by January 31, 2013. Sec. 12(a) requires the commissioner of human resources to conduct a caseload and workload study of deputy state’s attorneys, public defenders, assistant attorneys general, and staff attorneys in the executive branch and to report his or her findings to the general assembly by March 15, 2013. Correspondingly, Sec. 12(b) requires the secretary of administration to create a new pay plan for all exempt attorneys in the executive branch who perform legal services in order to create parity and equity in their compensation, and requires the secretary to consider the results of the human resources commissioner’s study and the relative caseloads and workloads of these attorneys when creating the new pay plan. Moreover, this subsection designates the secretary of administration as having final authority over the compensation of exempt attorneys in the executive branch; requires him or her to approve all salaries paid to these attorneys; and requires him or her to administer the pay plan to ensure that parity and equity in the compensation of these attorneys is maintained.

Effective Date: July 1, 2012

Also see: Commerce and Trade; Act No. 110 (H.556); An act relating to creating a private activity bond advisory committee

Also see: Education; Act No. 98 (H.440); An act relating to creating an agency and secretary of education and clarifying the purpose of the state board

Also see: Health; Act No. 76 (H.755); An act relating to extending the deadline for adoption of certain health department rules

Also see: Health; Act No. 135 (H.627); An act relating to an opioid addiction treatment system

Also see: Legislature; Act No. 139 (S.252); An act relating to the repeal or revision of reporting requirements

Also see: Municipal Government; Act No. 155 (S.106); An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services

Also see: Professions and Occupations; Act No. 116 (H.524); An act relating to the secretary of state and the regulation of professions and occupations

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Fish and Wildlife

Act No. 82 (H.449). Fish and wildlife; state fish

An act relating to the designation of brook trout and walleye pike as the state fish of Vermont

This act designates the brook trout as the state cold water fish and the walleye pike as the state warm water fish.

Effective Date: April 13, 2012

Act No. 108 (H.53). Fish and wildlife; fish and game violations; interstate wildlife violator compact

An act relating to the Interstate Wildlife Violator Compact

This act adopts the Interstate Wildlife Violator Compact for the purposes of recognizing the suspension of fish and game licenses and permits in other states. Under the compact, if a person's license privileges are suspended or revoked in one member state, he or she would be subject to suspension or revocation in all member states, including Vermont. No person whose license or privilege to hunt has been suspended under the terms of the compact shall be permitted to obtain a license to hunt, trap, or fish in Vermont. A person who hunts, fishes, traps, possesses, or transports wildlife or purchases a license in violation of a suspension under the compact shall be subject to monetary penalties and shall be assessed 20 points under the state uniform point system. Under the terms of the compact, the compact shall not go into effect in Vermont until a legislative act, such as this act, authorizes the state to enter the compact and the state provides notice to the board of compact administrators of enactment of the act.

Effective Date: July 1, 2012

Also see: Public Service; Act No. 165 (S.148); An act relating to expediting development of small and micro hydroelectric projects

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

General Provisions

Act No. 77 (H.365). General provisions

An act relating to designating skiing and snowboarding as the official winter state sports

This act designates skiing and snowboarding as the official winter state sports.

Effective Date: March 8, 2012

Act No. 105 (S.128). General provisions

An act relating to recognition of the Missisquoi, St. Francis-Sokoki Band as a Native American Indian Tribe

This act recognizes the Missisquoi, St. Francis-Sokoki Band as a Native American Indian Tribe.

Effective Date: May 7, 2012

Act No. 106 (S.129). General provisions

An act relating to recognition of the Koasek Abenaki of the Koas as a Native American Indian Tribe

This act recognizes the Koasek Abenaki of the Koas as a Native American Indian Tribe.

Effective Date: May 7, 2012

Act No. 149 (H.766). General provisions

An act relating to the rehabilitation of Vermont national guard members and certain rights and responsibilities of guard members and their employers

This act allows the adjutant general to create awards and medals for members of the Vermont National Guard. It allows guard members who are ordered to state active duty to take unpaid leave from employment and to continue their civil health insurance plans for the duration of their active duty service. The act allows a court to stay a civil or administrative proceeding to which a guard member is a party until the completion of the member's state active duty service. Finally, the act sets out guidelines and procedures for providing interest-free educational loans to guard members.

Effective Date: July 1, 2012

Also see: Health; Act No. 80 (H.39); An act relating to persons authorized to direct disposition of service members' remains

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Health

Act No. 68 (S.92). Health; environmental health; schools

An act relating to the protection of students' health by requiring the use of safe cleaning products in schools

This act seeks to protect the health of school building occupants by prohibiting manufacturers and distributors of cleaning products from selling or distributing to schools, school districts, supervisory unions, or procurement consortiums those cleaning products that have not been certified as environmentally preferable by an independent third party, or are not environmentally preferable products used by the department of buildings and general services (BGS) in state contracts. It also prohibits manufacturers and distributors from selling or distributing air fresheners that have not been certified as environmentally preferable by an independent third party. Distributors and manufacturers are required to provide green cleaning training to each school district they provide with environmentally preferable cleaning products at no cost to the school district.

This act requires contractors providing cleaning services to a school, school district, or supervisory union to only use those cleaning products that have been certified as environmentally preferable by an independent third party, or are environmentally preferable products used by BGS in state contracts. It also requires that contractors who provide cleaning services to a school, school district, or supervisory union use only air fresheners that have been certified as environmentally preferable by an independent third party.

This act allows schools to continue to use conventional cleaning products purchased prior to July 1, 2012 until supplies are depleted. Approved independent schools with fewer than 50 students may continue to use conventional cleaning products purchased prior to July 1, 2013 until supplies are depleted.

This act requires that additional information be added to an existing electronic school environmental health clearinghouse site located on the Vermont department of health's website. The additional information shall contain material on environmentally preferable cleaning products, including a list of environmentally preferable products used by BGS or a list of cleaning products that have been certified as environmentally preferable by an independent third party. Procedures for using environmentally preferable cleaning products shall also be added to the clearinghouse site.

Lastly, this act requires instruction on green cleaning practices, including products and procedures, at the annual environmental health training workshop for school environmental health coordinators and school administrators, and at the annual training for school maintenance and custodial staff.

Effective Date: July 1, 2012

Act No. 76 (H.755). Health; advance directives; decision-making; surrogate; rulemaking**An act relating to extending the deadline for adoption of certain health department rules**

This act delays for one year, from March 1, 2012 until March 1, 2013, the deadline by which the department of health must adopt rules regarding surrogate decision-making for do-not-resuscitate (DNR) orders and clinician orders for life-sustaining treatment (COLST).

Effective Date: March 7, 2012

Act No. 80 (H.39). Health; advance directives; military; service members; persons authorized to direct disposition**An act relating to persons authorized to direct disposition of service members' remains**

This act specifies that the statutes regarding advance directives for health care and disposition of remains do not limit the effect of a properly executed DD Form 93 (Record of Emergency Data) by a member of the United States armed forces.

Effective Date: April 13, 2012

Act No. 96 (S.209). Health; naturopathic physicians; health insurance**An act relating to naturopathic physicians**

This act requires health insurers to recognize naturopathic physicians who practice primary care to be primary care physicians. It allows a naturopathic physician to serve as a patient's medical home under the Blueprint for Health and expressly states that naturopathic physicians may work independently and do not require supervision. The act also directs Vermont's health information technology coordinator to actively seek to secure electronic health record funding opportunities and incentives for naturopathic physician practices.

Multiple effective dates, beginning May 2, 2012

Act No. 97 (H.157). Health; tanning facilities; minors**An act relating to restrictions on tanning beds**

This act prohibits tanning facilities and operators from allowing anyone under the age of 18 to use tanning equipment. The ban does not apply to medical equipment operated by a physician or to tanning equipment that a person owns for purely personal, noncommercial use. The penalty for a tanning facility or operator that allows a minor to use tanning equipment is a civil penalty of up to \$100.00 for a first offense and up to \$500.00 for each subsequent offense, and actions to enforce the ban will be brought in the Judicial Bureau.

The act directs the commissioner of health to adopt rules as necessary and requires a tanning facility lessee, owner, or operator to post in a conspicuous location in the tanning facility a notice developed by the commissioner of health addressing the following:

- That it is against the law to allow a person under the age of 18 to use tanning equipment

- That a tanning facility or operator that violates such law is subject to a civil penalty
- That a person can report a violation to the local law enforcement agency
- The health risks associated with tanning

Effective Date: July 1, 2012

Act No. 107 (H.37). Health; insurance; telemedicine

An act relating to telemedicine

This act requires all health insurance plans in Vermont to provide coverage for health care services provided through telemedicine to the same extent that the services would be covered if they were provided in person. This act authorizes health insurance plans to reimburse health care providers for teleophthalmology and teledermatology services provided by store and forward means. This act also requires the commissioner of financial regulation or designee to convene a work group to study whether and to what extent Vermont should require insurance coverage for telemedicine services provided outside a health care facility.

Multiple effective dates, beginning May 8, 2012

Act No. 122 (S.236). Health; advanced practice registered nurse; nurse practitioner; certified nurse midwife; signature

An act relating to health care practitioner signature authority

This act authorizes nurse practitioners and certified nurse midwives to sign any form or other document requiring a physician's signature.

Effective Date: July 1, 2012

Act No. 135 (H.627). Health; opioid addiction treatment; substance abuse; department of health

An act relating to an opioid addiction treatment system

This act authorizes the department of health to establish a regional system of opioid addiction treatment. It directs the department to establish the system by rule and requires patients to receive appropriate, comprehensive assessment and therapy; medical assessments to be conducted to determine whether short-term or long-term pharmacological treatment is medically appropriate for a patient; controlled substances to be dispensed only by authorized treatment programs and by health care professionals meeting certain federal requirements; comprehensive education and training requirements to apply to health care providers, pharmacists, and licensed clinical professionals; and patients to follow rules of conduct, including urinalysis and restricted medication dispensing designed to prevent diversion or relapse. The act requires the commissioner of health to report to the committees of jurisdiction for four years following enactment about the system, including its effectiveness. The act also repeals a provision allowing the commissioner of health to approve up to five opiate addiction treatment programs operated by, and located outside, a hospital or medical school, as long as the program is located in a multi-use building and is not geographically isolated.

Effective Date: May 14, 2012

Act No. 150 (S.200). Health; health insurers; reporting requirements; pharmacies; pharmacy audits; ambulance services

An act relating to pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers

Health insurer reporting requirements

This act requires each health insurer covering at least 2,000 Vermont lives or offering insurance through the Vermont Health Benefit Exchange (Exchange) to report the information described below to the commissioner of financial regulation annually as an addendum to the insurer's annual statement:

- State of domicile and number of states in which the insurer operates
- Number of Vermont lives covered by the insurer
- Number of claims submitted to the insurer
- Number of claims denied by the insurer
- Number of denials of service by the insurer at the preauthorization level and number of adverse benefit determinations made by the insurer, including for each:
 - Number appealed and overturned at the first-level grievance
 - Number appealed and overturned at any second-level grievance
 - Number appealed and overturned where an external review was sought
- Number of claims denied by the insurer because the service was experimental or investigational, was subject to preexisting condition exclusions, involved an off-label use of a drug, or was not medically necessary, or because access to a provider was inconsistent with the plan's limitations
- Number of claims denied by the insurer as duplicate claims, coding errors, or for services or providers not covered
- Titles and salaries, bonuses, and compensatory benefits of all corporate officers or board members
- Insurer's marketing and advertising expenses
- Insurer's federal and Vermont-specific lobbying expenses
- Amount and recipient of the insurer's political contributions
- Amount and recipient of dues paid by the insurer to trade groups involved in lobbying efforts or that make political contributions
- Insurer's legal expenses related to denials for claims or services
- Amount and recipient of the insurer's charitable contributions

The act requires the department of financial regulation (DFR) to create a standardized form for the reporting of the information described above. Insurers must report

Vermont-specific information on the form and indicate if any reported information is not specific to Vermont. The act requires DFR to post insurers' completed forms on its website and the department of Vermont health access to post a links to the forms on the Exchange website.

The act requires DFR to convene a working group to study the accessibility and comprehensibility of the health insurers' filings. It directs the working group to make recommendations for improving the format, content, accessibility, and delivery of filings required of health insurers in a manner that enhances informed consumer decision-making. The working group must submit its finding and recommendations, including suggested administrative and legislative actions, to the committees of jurisdiction by January 15, 2014.

Pharmacy audits

The act enumerates the rights of pharmacies when their claims are audited by a pharmacy benefit manager or a health insurer other than Medicaid or other public health care assistance program, including the right to:

- Have an audit involving clinical or professional judgment be conducted by a licensed pharmacist who has familiarity with Vermont's pharmacy laws
- Receive at least 14 days' written notice before an on-site audit and to receive a list of the prescriptions to be audited
- Not be audited on Mondays or on weeks containing a federal holiday
- Not be audited on claims more than 18 months old or on more than 200 selected prescription claims
- Not have clerical or recordkeeping errors deemed fraudulent in the absence of financial harm or other evidence
- Use any prescription that meets the requirements of Vermont law, including those with prescriber notations such as "as directed" and "as needed," to validate claims
- Dispense and be reimbursed for the full quantity of the smallest available commercially packaged product containing the amount necessary to meet the prescriber's orders, even if the amount in the packaged product exceeds the maximum days' supply allowed
- Have recoupment limited to amounts paid in excess of amounts payable under a corrected claim
- Not have demands for recoupment or repayment include the dispensing fee unless the prescription was not actually dispensed, was not valid, was fraudulent, or was outside the provisions of the contract
- Not have demands for recoupment or repayment made due to information missing from a prescription or not in the right location if the information or location is not required by state or federal law
- Not have the accounting practice of extrapolation used in calculating recoupments or penalties

- Have preliminary and final reports delivered within specified time lines
- Not be subject to more than one audit per calendar year, except in certain circumstances

The act provides pharmacies with appeal rights and places limitations on the amounts pharmacies must repay except in cases of fraud or misrepresentation. It specifies that the pharmacy audit provisions do not apply to audits conducted by state agencies or to any audit or investigation involving Medicaid fraud, waste, or abuse; insurance fraud; or criminal fraud or misrepresentation.

Reimbursement for ambulance service providers

The act requires health insurers to reimburse ambulance service providers directly for emergency medical treatment provided to a person insured under the insurer's plan. It specifies that the direct reimbursement requirement is not intended to interfere with coordination of benefits or to require a health insurer to provide coverage for services not otherwise included under the plan, and that it does not preclude an insurer from entering into a contract with a nonparticipating ambulance service to establish reimbursement rates for emergency medical treatment.

Multiple effective dates, beginning on July 1, 2012

Act No. 157 (S.199). Health; immunizations

An act relating to immunization exemptions and the immunization pilot program

This act requires schools and child care centers to make publicly available the aggregated immunization rates of the student body for each vaccine necessary to attend a school or child care facility where permitted under federal law. This information must be reported annually to the Vermont department of health (VDH) on a standardized form created by the department.

The act alters the provisional admittance and exemption requirements for those immunizations necessary to attend a school or child care facility. With regard to the provisional admittance, a person may continue to attend a school or child care facility for up to six months while in the process of being immunized. A person may receive a medical exemption for a specific vaccine until that vaccine is no longer deemed contraindicated. Both the provisional admittance and medical exemption must be either signed or certified by a licensed health care practitioner authorized to prescribe vaccines, or a health clinic in the case of the provisional admittance only.

Where a person or if a minor the person's parent or guardian holds a religious or philosophical conviction opposed to immunization, the act requires the person, parent, or guardian to annually provide to the child's school or child care facility a signed statement on a form created by VDH certifying that the person, parent, or guardian:

- Holds religious beliefs or philosophical convictions opposed to immunization
- Has read and understands educational material provided by VDH regarding immunizations

- Understands that failing to complete the required immunization schedule increases risk to both the person and others of carrying or contracting a vaccine-preventable disease
- Understands that there are persons with special health needs attending schools and child care facilities who are unable to receive immunizations and are at heightened risk of contracting a vaccine-preventable communicable disease

The act requires VDH to annually collect from schools the immunization rates for at least first and eighth grade students for each required vaccine. The data collected by the department must reflect the number of exemptions filed, as well as the number of students with a provisional admittance. This data is in addition to data already collected in accordance with the requirements of the Centers for Disease Control and Prevention. The act requires the department to report this information to the general assembly by January 15, 2014.

The act extends VDH's immunization pilot program through December 31, 2014.

It also convenes a working group on protecting immunocompromised students and students with special health needs to study the feasibility of allowing such students to enroll in a public school maintained by an adjoining school district with a higher immunization rate than the school maintained by the student's school district of residence. The act also directs the working group to study whether it is necessary and practicable to require adults employed at schools to be fully immunized. The working group must submit a report to the senate committee on health and welfare and house committee on health care by January 1, 2013.

Effective Date: July 1, 2012

Act No. 160 (H.759). Health; judicial proceedings; secure residential recovery facilities

An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment

This act authorizes the commissioner of mental health to oversee and have patients treated in a secure residential recovery facility, which is defined as a facility licensed as a therapeutic community residence for individuals no longer in need of acute inpatient care, but who remain in need of treatment in a secure setting for an extended period of time. The act requires a secure residential recovery facility to provide the same degree of legal protections that residents would receive at facilities providing acute inpatient care. If the commissioner intends that a patient receive further treatment at a secure residential recovery facility, such intent must be specified in the application for a court order authorizing continued treatment. The application must also contain the commissioner's reasons for determining that clinically appropriate treatment for the patient's condition can be provided safely only in a secure residential recovery facility.

Effective Date: May 17, 2012

Act No. 171 (H.559). Health; health insurance; health benefit exchange; Green Mountain Care board; certificate of need; medical malpractice; prescription drugs; Blueprint for Health; Medicaid; Medicaid waiver

An act relating to health care reform implementation

Vermont Health Benefit Exchange

This act requires all individual and small group health insurance plans to be sold through the Vermont Health Benefit Exchange (Exchange) and defines a qualified employer for purposes of the Exchange as an employer with 50 or fewer employees for 2014 and 2015, an employer with 100 or fewer employees for 2016, and an employer of any size from 2017 on. An employer that expands beyond 50 or 100 employees may continue to purchase insurance through the Exchange as long as it continues to make Exchange coverage available to its employees. The act requires health plans offered through the Exchange to include at least the bronze level of coverage and requires the Exchange to clearly indicate to prospective purchasers of a bronze plan, and of other plans as appropriate, that the plan has the potential for significant out-of-pocket costs in addition to the premium.

The act requires the Green Mountain Care (GMC) board to approve a full range of cost-sharing structures in the Exchange for each actuarial value and to allow insurers to offer wellness rewards and discounts. It directs the Exchange to establish procedures allowing health insurance agents and brokers to be appropriately compensated for facilitating the enrollment of individuals and employers in Exchange plans and for assisting qualified individuals with applying for premium tax credits and cost-sharing subsidies. The act also requires Exchange navigators to provide information about Sec. 125 cafeteria plans and to help employers set them up.

The act allows small employers to enroll in plans through the Exchange as early as October 1, 2013 and no later than the renewal date of a plan that took effect before January 1, 2014. It allows individuals to enroll in plans through the Exchange between October 1, 2013 and March 31, 2014, pursuant to federal regulations. It permits the commissioner of financial regulation to allow small group and association plans to extend beyond their renewal date in order to ensure a smooth transition to the Exchange. The act also authorizes the department of financial regulation (DFR) and the GMC board to continue to approve rates and forms for nongroup and small group market plans, or to extend coverage under existing plans, if the Exchange is not operational by January 1, 2014 and enrollment cannot be accomplished in any other way. Similarly, the act authorizes the department of Vermont health access (DVHA) to continue coverage under the Vermont health access plan (VHAP) and the employer-sponsored insurance assistance program (ESIA) if the Exchange is not operational by January 1, 2014 and enrollment cannot be accomplished in any other way.

Additional insurance provisions

The act merges the individual and small group health insurance markets into one market beginning in 2014, with plans available for individuals and for employers with up to 50 employees in 2014 and up to 100 employees beginning in 2016. It preserves existing individual and small group market provisions for health insurance plans that are grandfathered under the federal Patient Protection and Affordable Care Act (ACA) unless

or until a plan loses its grandfathered status. The act amends the health insurance rate review process to require the commissioner of DFR to make a recommendation to the GMC board on a rate request within 30 days instead of 10 days; to require the GMC board to approve, modify, or disapprove the rate request within 30 days; and to require DFR to apply the GMC board's decision within five business days.

The act prohibits the inclusion of agents' and brokers' fees in insurance rates in the individual and small group markets beginning in 2014 and allows the Exchange to create a mechanism for paying agents and brokers outside insurance rates. It requires disclosure of agents' and brokers' fees in the large group market beginning July 1, 2012 and disclosure of their fees in the individual and small group markets from July 1, 2012 until the date the insurer no longer pays any such fees. The act prohibits any insurer from including a discretionary clause in a contract for health insurance, life insurance, or disability income protection coverage, and renders any such provision null and void as of July 1, 2012.

Beginning March 1, 2014, when prior authorization is required for prescription drugs, medical procedures, and medical tests, the act requires health plans to accept both the national standard transaction information for electronic authorization and uniform prior authorization forms developed by DFR. By September 1, 2013, the act requires DFR to develop the uniform prior authorization forms, based on specified criteria, with one form for medical procedures and tests and as many forms as the department thinks appropriate for prescription drugs.

Green Mountain Care Board

The act creates a billback provision to allocate expenses among hospitals and health insurers for certain GMC board regulatory activities and requires DFR and the GMC board to recommend by February 1, 2013 how best to allocate these expenses in the future. It grants to the chair of the GMC board enforcement authority similar to that of the commissioner of DFR. The act transfers authority from DFR to the GMC board over certificates of need, hospital budget reviews, and the unified health care budget. It also transfers authority from DVHA to the GMC board for payment reform pilot projects and delays the dates on which the projects will begin from one by January 1, 2012 and two or more by July 1, 2012 to one by July 1, 2012 and two or more by October 1, 2012. The act allows the GMC board to use DFR's hospital budget review rules until the earlier of March 1, 2013 or the board's adoption of its own rules. It requires the GMC board to adopt rules by January 1, 2013 regarding insurance rate reviews, hospital budget reviews, and certificates of need.

Mental health and substance abuse treatment services

The act requires DFR to develop quality indicators to evaluate and ensure health insurer compliance with mental health parity laws. It requires the departments of health and of mental health to evaluate and ensure that health care professionals and facilities provide high-quality mental health and substance abuse treatment services. Beginning January 1, 2014, the act prohibits health insurance co-payments for primary mental health care and services from exceeding co-payments for care and services from a primary care provider and co-payments for specialty mental health care and services from exceeding co-payments for care and services from a specialist. The act requires DFR to recommend

by January 15, 2013 guidelines for distinguishing between primary and specialty mental health services and to adopt these guidelines by rule by October 1, 2013. The act also directs the department of mental health to establish an office of the mental health care ombudsman in the state's designated protection and advocacy agency and specifies that the agency is not required to undertake any additional duties beyond those required under federal law.

Medical malpractice

The act requires a party filing a claim to recover damages for a personal injury or wrongful death occurring on or after February 1, 2013 to file a certificate of merit along with the complaint. The certificate of merit certifies that the plaintiff or the plaintiff's attorney has consulted with a qualified health care provider, and that the health care provider has described the applicable standard of care and has indicated that there is a reasonable likelihood that the plaintiff will be able to show the defendant failed to meet the standard of care and so caused the plaintiff's injury. The act also allows a potential medical malpractice plaintiff to request that each potential defendant participate in pre-suit mediation and details the mediation process. The provisions relating to pre-suit mediation take effect February 1, 2013 and sunset two years later on February 1, 2015. The act directs the secretary of administration or designee to report by September 1, 2014 regarding the impact of using the certificate of merit and pre-suit mediation. Beginning in 2013, the act also requires hospital community reports to include data from all Vermont hospitals of reportable adverse events, along with analysis and explanation.

Blueprint for Health

The act expands the list of officials with whom the director of the Blueprint for Health must collaborate to include the commissioners of mental health and of disabilities, aging, and independent living and the chair of the GMC board. It adds to the Blueprint executive committee a licensed mental health professional with clinical experience in Vermont and a representative from the Vermont council of developmental and mental health services. The act expresses legislative intent that access to and payments for community health teams should begin at least six months before a medical practice is scheduled to be scored for Blueprint recognition, that the Blueprint director increase payments to medical homes because of new qualification requirements, and that all health plans, including the multistate plans required under the ACA, should participate in the Blueprint for Health.

Prescription drugs

The act prohibits health insurers and pharmacy benefit managers from imposing an annual limit on prescription drug benefits. It requires health plans to limit annual out-of-pocket expenses for prescription drugs, including specialty drugs, to no more for self-only and family coverage than the minimum dollar amounts in effect for self-only and family coverage under a high deductible health plan (HDHP). For prescription drugs offered in conjunction with an HDHP, the act prohibits the plan from covering prescription drugs until the expenditures applicable to the HDHP's deductible have met the amount of the minimum annual deductibles in effect for self-only and family coverage under federal law, at which time coverage for prescription drug benefits will begin and the out-of-pocket limits will apply.

The act adds combination products to the definition of a prescribed product for purposes of Vermont's prescribed product manufacturer gift ban and disclosure laws but expressly excludes prescription eyeglasses, sunglasses, and other eyewear. It exempts samples of medical foods and infant formula from the gift ban and allows free combination products, medical food, and infant formula to be given to free clinics in addition to the items they may already receive. It gives the attorney general's office the same authority to investigate violations of the gift ban and disclosure requirements as under the Consumer Protection Act.

Waivers and updates

The act allows the agency of human services (AHS) to seek federal waivers to serve individuals who are eligible for both Medicare and Medicaid. It allows AHS to seek a new or renewed federal waiver or waivers to implement Medicaid, Choices for Care, and the State Children's Health Insurance Program (SCHIP) under terms and conditions similar to the Global Commitment to Health, including maintaining and expanding the public managed care entity model, obtaining federal matching funds for state Exchange subsidies, and ensuring a streamlined transition between Medicaid and the Exchange. The act also expands the authority of the secretary of AHS to apply to the Secretary of the U.S. Department of Health and Human Services to allow Medicare and Medicaid participation in payment reform activities in addition to the Blueprint for Health.

The act requires the secretary of AHS or designee to provide a waiver update to the committees of jurisdiction by January 30, 2013, with monthly information and updates during the summer and fall of 2012 to the health care oversight committee (HCOC) or to a telephone call of interested stakeholders. It also requires updates at each Medicaid and Exchange advisory committee meeting. The secretary or designee must present a transition plan for individuals enrolled in VHAP, ESIA, and the Catamount Health assistance program to the committees of jurisdiction by January 15, 2013.

The act expresses legislative intent that the transition from Catamount Health and VHAP to the Exchange with subsidies should minimize the financial exposure of low income Vermonters and of the state and ensure sufficient compensation for providers. It expresses intent that the administration not implement a Basic Health Program without legislative approval and that the general assembly continue to oversee the transition after the 2012 legislative session adjourns and during the 2013 legislative session. It also requires DVHA, in consultation with the Medicaid and Exchange advisory committee, to evaluate options for affordable coverage for individuals with incomes in excess of 133 percent of the federal poverty level.

The act allows the committees of jurisdiction to meet when the general assembly is not in session during 2012 to receive updates on health care reform, including waivers, transition planning, health information technology, and Exchange implementation. If AHS receives the results of the federal government's review of Vermont's Exchange implementation plan when the general assembly is not in session, the act requires the administration to present the results to the HCOC and a joint meeting of the committees of jurisdiction; if AHS receives the results when the general assembly is in session, the administration will present the results to the standing committees. By February 1, 2013,

the act requires the administration to present to the standing committees the Exchange certification application that AHS submits to the federal government.

Additional provisions

The act requires DFR, in collaboration with the health care ombudsman (HCO) and AHS, to report to the general assembly by January 15, 2013 with recommendations on how best to represent the public interest before the GMC board, recommendations on whether and how to coordinate and/or consolidate the consumer protection activities of DFR, HCO, and AHS, and information about the HCO's current and projected funding needs and recommended funding mechanisms. It amends the preconditions that must be met for Green Mountain Care implementation and requires the joint fiscal office to review the GMC board's determination that the preconditions have been met within 90 days after the GMC board makes its determination.

The act requires the secretary of administration or designee to report to the committees of jurisdiction by January 15, 2013 on strategies for maximizing the number of Vermonters eligible to receive federal premium tax credits and cost-sharing subsidies and for maximizing the amounts they will receive. It allows the Medicaid and Exchange advisory committee to exceed 22 members and adds members representing health insurance agents and brokers. The act specifies that insurers are not required to apply guaranteed issue for nongroup and small group plans offered under current market rules after January 1, 2014, and expresses legislative intent not to impair collective bargaining agreements entered into before January 1, 2013 and in effect on January 1, 2014. It specifies that the act does not prohibit DVHA from allowing Medicare Supplemental policies to be offered on the Exchange web portal in the future after it seeks input from stakeholders. The act also renames the health access oversight committee to be the health care oversight committee, revises its membership, and expands its charge to be oversight of all health care and human services programs when the general assembly is not in session, including mental health, substance abuse, and health care reform.

The act prohibits coaches from allowing a youth athlete to return to a school athletic team practice or game if the coach has reason to believe that the athlete has a concussion or other head injury and prohibits coaches from allowing youth athletes to train or compete again until they have been examined by and received permission from a qualified health care provider.

The act repeals a number of health care-related laws, including VHAP and ESIA, the small group and nongroup health insurance market statutes, and the I-SaveRx program.

Multiple effective dates, beginning May 16, 2012

Also see: Conservation and Land Development; Act No. 163 (S.183); An act relating to the testing of potable water supplies

Also see: Education; Act No. 151 (S.245); An act relating to requiring cardiovascular care instruction in public and independent schools

Also see: Human Services; Act No. 79 (H.630); An act relating to reforming Vermont's mental health system

Also see: Human Services; Act No. 86 (H.760); An act relating to lowering to 16 the age of consent for blood donation

Also see: Human Services; Act No. 132 (S.89); An act relating to organ and tissue donation and Medicaid for Working Persons with Disabilities

Also see: Insurance; Act No. 120 (S.222); An act relating to cost-sharing for employer-sponsored insurance assistance

Also see: Insurance; Act No. 158 (S.223); An act relating to health insurance coverage for early childhood developmental disorders, including autism spectrum disorders

Also see: Municipal Government; Act No. 155 (S.106); An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services

Housing

Act No. 137 (S.99). Housing; economic development

An act relating to supporting mobile home ownership, strengthening mobile home parks, and preserving affordable housing

This act adopts multiple provisions concerning mobile homes, mobile home parks, and fair housing practices.

Sec. 1 adopts findings.

Sec. 2 adopts and amends both housekeeping and substantive provisions through 10 V.S.A. chapter 153, governing mobile home parks.

Sec. 2a adopts a nonbinding statement of intent regarding the expansion of the affordable housing tax credit.

Sec. 3 reduces the publication and notice requirements for the sale of abandoned or uninhabitable mobile homes in mobile home parks.

Sec. 4 directs the department of economic, housing and community development to conduct a long-range planning study on mobile home ownership and parks.

Sec. 5 directs the commissioner of public safety to clarify and update information concerning the applicability of housing codes, including ongoing updates of building codes.

Secs. 6–7 prohibit discrimination in land use decisions.

Secs. 8–9 limit who in Vermont may administer federal housing subsidies.

Sec. 10 creates the authority and process for a municipality to remove an abandoned or uninhabitable mobile home; the process mirrors the process for mobile home park owners addressed in Sec. 3.

Sec. 11 addresses a landlord's liability to care for a tenant's property during an ejectment proceeding.

Secs. 12–12a are nonbinding statements of intent concerning mobile home spending priorities and sales tax holidays.

Sec. 13 delays by two years the requirement of the Tri-Parks mobile home park to begin repaying certain government loans.

Effective Date: May 14, 2012

Human Services

Act No. 79 (H.630). Health; mental health care reform

An act relating to reforming Vermont's mental health system

This act strengthens Vermont's existing mental health care system by providing a continuum of flexible and recovery-oriented treatment opportunities, which are fully integrated with substance abuse, public health, and health care reform initiatives, consistent with the goals of parity. A clinical resource management system is established to coordinate the movement of individuals to appropriate services throughout the continuum of care and to perform ongoing evaluations and improvements of the mental health system. The clinical resource management system shall facilitate an array of functions, including the use of coordinators to assist emergency service clinicians in the field, the use of an electronic bed board to track available bed space, the coordination of patient transport services, access by individuals to a mental health patient representative, and the periodic review of individuals' clinical progress. The overall effectiveness of the mental health care system shall be the subject of an annual report by the department of mental health (DMH), which shall focus on the utilization of services within the system, the adequacy of the system's capacity, individual experience, and the performance of the system as compared to national standards.

This act establishes a geographically-diverse system of mental health care with treatment opportunities that vary in degree of intensity. Peer services, provided by individuals with personal experience of living with a mental health condition or psychiatric disability, are at one end of this spectrum. This act empowers the commissioner of mental health to contract for peer services that are aimed at helping individuals with mental illness achieve recovery through improved physical and mental health, increased social and community supports, and avoidance of crises and hospitalizations. More specifically, the commissioner is authorized to develop peer-run transportation services and a nonemergency telephone response line.

This act also expands and strengthens Vermont's network of community mental health services. Designated agencies, with support from the DMH, shall improve emergency responses, noncategorical case management, mobile support teams, adult outpatient services, and alternative residential opportunities. In addition, the DMH is authorized to contract for at least four short-term crisis beds in designated agencies to prevent or divert individuals from hospitalization when clinically appropriate, as well as a voluntary five-bed residence for individuals experiencing an initial episode of psychosis or seeking to avoid or reduce reliance on medication. Other community services authorized in this act include housing subsidies for individuals living with or recovering from mental illness.

The commissioner of mental health is authorized to contract for intensive residential recovery facilities, meaning licensed programs providing safe, therapeutic, recovery-oriented residential environments to care for individuals in need of intensive

clinical interventions in anticipation of returning to the community. Fifteen intensive residential recovery facility beds shall be located in northwestern Vermont, eight beds shall be located in southeastern Vermont, and eight beds shall be located in either central or southwestern Vermont. This act requires that the placement of these facilities be subject to a certificate of approval process, which shall take into consideration recommendations from a panel of stakeholders.

For the purpose of replacing those services provided by the former Vermont State Hospital (VSH), this act empowers the DMH to oversee the delivery of emergency examinations and involuntary inpatient treatment services at several acute inpatient hospitals throughout the state. The DMH shall establish by contract a 14-bed unit and a six-bed unit within existing hospitals in southeastern and southwestern Vermont, respectively. It is the intent of the general assembly that these units be located at the Brattleboro Retreat and Rutland Regional Medical Center. The establishment of these two units shall be contingent upon the hospitals' receipt of certificates of need pursuant to 18 V.S.A. chapter 221, subchapter 5. In addition, the initial contract terms for these hospital units require participation in the no refusal system for four years, meaning that the hospitals shall be required to admit any individual for care if the individual meets the eligibility criteria established by the commissioner in contract. Contracts for these two hospital units shall contain a number of conditions, including specifications that funding shall be based on hospitals' ability to treat patients with high acuity levels, reimbursement by the state shall cover reasonable actual costs, hospitals shall maintain a stakeholder advisory group with nonexclusionary membership, and the state shall retain the option to renew the contract upon the expiration of the initial term.

This act also requires the construction of an acute inpatient hospital in central Vermont containing 25 beds, which shall be owned and operated by the state and proximate to an existing hospital. The commissioner of mental health shall have jurisdiction over the new hospital's operations. The hospital shall maintain adequate capacity for individuals receiving a court order of hospitalization, as well as a private room that shall be used for the purpose of judicial proceedings. Using expeditious methodology, the department of buildings and general services (BGS) is responsible for supervising the construction of this hospital with a goal of completing the project in 24 months. The commissioner of BGS may purchase, lease for a period of up to 99 years, or enter into a lease-purchase agreement for the property on which the new facility is to be built. The commissioner of BGS must inform the senate committee on institutions and house committee on corrections and institutions when any substantial steps in furtherance of the hospital's completion are taken.

In the event the new hospital is not eligible for federal matching funds after December 31, 2013, the commissioner of mental health shall be required to cease use of nine beds within a time frame set by the Centers for Medicare and Medicaid Services and reduce the hospital's license from 25 to 16 beds. The commissioner shall develop a transition plan that both addresses the nine-bed acute inpatient bed deficiency by expanding capacity elsewhere in the system if necessary and repurposes the nine decommissioned beds in a manner that does not jeopardize federal matching funds for the hospital's remaining 16 beds. If federal matching funds are lost or denied while the general assembly is in session, the commissioner shall notify and seek approval of the

plan from the senate committees on health and welfare and on institutions and the house committees on human services and on corrections and institutions. If federal matching funds are lost or denied while the general assembly is not in session, the commissioner shall notify and seek approval of the transition plan from a special committee composed of members of the joint fiscal committee and the chairs and vice chairs of the senate committees on health and welfare and on institutions and the house committees on human services and on corrections and institutions.

Lastly, the commissioner of mental health is authorized to contract on a short-term basis for seven to 12 acute inpatient hospital beds at Fletcher Allen Health Care until the state-owned and -operated hospital becomes operational. In addition, if a viable setting is identified by the commissioner and licensed by the Vermont department of health, the commissioner may use that setting temporarily for the purpose of providing acute inpatient services. If the temporary facility is located in Morrisville, acute inpatient services shall be discontinued when the state-owned and -operated hospital is operational, but no later than September 1, 2015. Any temporary facility in Morrisville shall initially be licensed for eight beds with expansion necessitating permission from the host community.

As part of the mental health care system, this act also authorizes the commissioner to establish and oversee a secure seven-bed residential recovery facility owned and operated by the state for individuals no longer requiring acute inpatient care, but who remain in need of treatment within a secure setting for an extended period of time.

For the purpose of evaluating and improving the state's mental health care system, acute inpatient hospitals, designated agencies, and secure residential facilities are required to report to the DMH instances of death or serious bodily injury to individuals receiving treatment who are within the custody of the commissioner. Similarly, this act requires the DMH to establish a system to review any death or serious bodily injury occurring outside an acute inpatient hospital when the individual causing or victimized by the death or serious bodily injury is or recently has been within the custody of the commissioner.

This act imposes a number of one-time reporting requirements on the DMH. First, the department shall report to the senate committee on health and welfare and the house committees on human services and on judiciary regarding the decentralization of inpatient mental health care, including any statutory changes needed to preserve rights afforded to patients at the former state hospital, the development of a process to ensure public involvement with policy matters, the development of consistent definitions of seclusion and restraint, and the efficacy of housing subsidy programs. Second, the DMH must also report to the senate committee on health and welfare and the house committee on human services regarding the department's efforts to plan for implementation of and its recommendations to improve the new mental health system, based on an assessment of outcome and financial measures. Third, the department shall report on its plan to streamline overlapping state and federal reporting requirements for providers in the mental health care system. Lastly, the DMH shall report to the joint fiscal committee by September 2012 regarding a fiscal review determination as to whether the department's hospital cost reimbursement methodology reflects reasonable actual costs.

The DMH shall also be required to initiate a rulemaking process that establishes standards for the use and reporting of seclusion or restraint on individuals within the custody of the commissioner, as well as requirements pertaining to the training and certification of personnel performing emergency involuntary procedures.

A special committee composed of members of the joint fiscal committee and the chairs and vice chairs of the senate committees on health and welfare and the house committee on human services, in consultation with the commissioner of mental health, shall contract with an independent consultant who has expertise in the field of mental health and psychiatric hospital services to evaluate the structure, services, and financial implications of Vermont's mental health care system. This act requires the consultant to submit a report to the general assembly by December 2012. The report shall first address whether the proposed mental health system serves the needs of Vermonters, and if there are any needs unmet by the system, how they should be addressed. Second, the report shall establish a list of data and evaluation mechanisms necessary to manage and improve the quality of care and outcomes for individuals with a mental health condition.

This act stipulates that former VSH employees subject to a reduction in force (RIF) on or after February 6, 2012, who have not been reemployed by the state during the two-year RIF period, shall be granted RIF rights to vacant classified bargaining unit positions at the new state hospital. Those former VSH employees subject to a RIF on or after February 6, 2012 who have been reemployed by the state during the two-year RIF period shall be eligible to receive one mandatory offer of reemployment at the new state hospital to the job classification the employee last occupied at VSH. Where an employee who accepts a mandatory offer of reemployment fails the associated working test period, the employee shall be separated from employment and granted full RIF reemployment rights. Hospitals participating in the no refusal system and designated agencies providing acute inpatient, intensive residential recovery, or secure residential services are required to give the department of human resources (DHR) a description of the minimum qualifications for open positions related to caring for individuals with mental health conditions. These hospitals and agencies are encouraged to hire former state employees meeting the minimum requirements or who have equivalent experience. The DHR shall notify former VSH employees about these posted openings. With regard to retirement incentives, former VSH employees who participated in a defined benefit or defined contribution plan and who did not initiate the purchase of any additional service credit are eligible for state payment of up to 80 percent of the cost of premium health insurance if certain other criteria are met.

Multiple effective dates, beginning April 4, 2012

Act No. 86 (H.760). Health; blood donation

An act relating to lowering to 16 the age of consent for blood donation

This act gives a person who is 16 years of age or above the legal capacity to donate blood or consent to have blood withdrawn from his or her body as part of a voluntary blood donation program for which no compensation is received.

Effective Date: April 24, 2012

Act No. 87 (H.765). Human services; corrections; mental health; serious functional impairment**An act relating to the mental health needs of the corrections population**

This act requires the secretary of human services to establish a work group to assess and improve the delivery of services to individuals with a serious functional impairment incarcerated in a correctional facility, collect information regarding individuals with a mental illness or disorder, and evaluate correctional officers' training as it relates to working with individuals with disabilities.

Effective Date: April 24, 2012

Act No. 132 (S.89). Human services; Medicaid; Medicaid for Working Persons with Disabilities; organ and tissue donation**An act relating to organ and tissue donation and Medicaid for Working Persons with Disabilities**

This act directs the agency of human services to analyze the costs or savings associated with:

- Paying the Medicare Part B premium for people enrolled in the Medicaid for Working Persons with Disabilities program (MWPD)
- Increasing or eliminating the income limits, asset limits, or both for eligibility for MWPD
- Disregarding spousal income, spousal assets, or both when determining eligibility for MWPD
- Disregarding the income of a spouse on MWPD when determining the other spouse's Medicaid eligibility
- Allowing a person on MWPD immediately before hospitalization or temporary unemployment to maintain MWPD eligibility while hospitalized or unemployed for up to 90 days
- Allowing an individual's enrollment in MWPD to establish his or her eligibility for developmental disability services
- Using benefits counselors to increase public awareness of MWPD and other work incentives for individuals with disabilities

The act requires the secretary of human services to report the results of the analysis to the committees of jurisdiction by January 15, 2013, along with recommendations about whether and how to pursue any of the options. If supported by the analysis, the act requires the secretary to disregard the income of a spouse on MWPD when determining the other spouse's Medicaid eligibility and to deem an individual's enrollment in MWPD as establishing his or her financial eligibility for developmental disability services, provided that the individual meets the clinical eligibility and funding priority criteria. The act directs the secretary to implement these changes in a timely manner to ensure that they will be in place as soon as practicable when the new Medicaid eligibility and enrollment system becomes operational.

The act directs the commissioner of health to undertake such actions as he or she believes are necessary and appropriate to coordinate the efforts of public and private entities involved with organ and tissue donation and transplantation in Vermont and to increase donation rates. It requires the commissioner to report to the committees of jurisdiction by January 15, 2013 regarding the actions taken and any additional efforts that the commissioner would recommend but that require legislation.

The act creates an organ and tissue donation working group to make recommendations to the governor and the general assembly relating to organ and tissue donations. It requires the working group to report its findings and recommendations, including a recommendation about whether the department of health should establish an ongoing advisory council on organ and tissue donation, to the committees of jurisdiction and to the governor by January 15, 2013.

Effective Date: May 11, 2012

Act No. 159 (H.751). Human services; crimes and criminal procedures; juveniles

An act relating to jurisdiction of delinquency proceedings

This act makes a number of changes to juvenile proceedings. The act permits the family division to extend jurisdiction over a child who has been adjudicated delinquent up until six months after the child's 18th birthday if the offense for which the child has been adjudicated delinquent is a nonviolent misdemeanor and the child was 17 years old when he or she committed the offense. Under current law, the family division's jurisdiction ends when the child turns 18. By extending jurisdiction, the act permits some children adjudicated delinquent to continue to receive services from the department for children and families and be subject to the supervision of the family division while they are 18 years of age.

The act permits the state's attorney to file a motion to transfer misdemeanor and certain nonviolent felony delinquency proceedings from the family division to the criminal division of the superior court if the child is 16 or 17 years of age; under current law, a motion to transfer may only be filed for children who have committed serious felonies. The motion may be filed at any time prior to adjudication of the case on the merits; under current law, a motion to transfer must be filed within 10 days after the delinquency petition is filed.

The act requires the child in a delinquency proceeding to be given an opportunity to have a risk and needs screening before the preliminary hearing, permits the disposition case plan to be waived if the juvenile enters an admission to the offense, and permits a court to refer a child adjudicated delinquent directly to a community-based provider rather than placing the child on probation. The act also establishes a committee to study the effectiveness of the juvenile justice system in reducing crime and recidivism.

Effective Date: July 1, 2012

Also see: Health; Act No. 135 (H.627); An act relating to an opioid addiction treatment system

Also see: Health; Act No. 171 (H.559); An act relating to health care reform implementation

Also see: Insurance; Act No. 120 (S.222); An act relating to cost-sharing for employer-sponsored insurance assistance

Insurance

Act No. 120 (S.222). Health; employer-sponsored insurance assistance; cost-sharing

An act relating to cost-sharing for employer-sponsored insurance assistance plans

This act requires that cost-sharing amounts for supplemental prescription drug coverage under an employer-sponsored insurance assistance plan be equivalent to the benefits offered by the Vermont Health Access Plan (VHAP).

Effective Date: July 1, 2012

Act No. 158 (S.223). Health; insurance; early childhood developmental disorders

An act relating to health insurance coverage for early childhood developmental disorders, including autism spectrum disorders

This act requires health insurance plans, including public assistance plans, to provide coverage for the evidence-based diagnosis and treatment of early childhood developmental disorders for individuals beginning at birth and until 21 years of age. Any benefits required by this act that exceed the essential health benefits specified under the Patient Protection and Affordable Care Act shall not be required in health insurance plans offered in individual, small group, and large group markets on or after January 1, 2014.

This act requires that health insurance plans provide coverage for applied behavior analysis (ABA) provided or supervised by a licensed provider who is either working within the scope of licensure or is a nationally board-certified behavior analyst. Treatment in the natural environment, meaning the individual's home or child care setting, shall be covered when provided or supervised by a licensed provider working within the scope of licensure. ABA treatment in the natural environment shall also be covered if provided or supervised by a licensed provider who is a nationally board-certified behavior analyst.

This act specifies that the amount, frequency, and duration of treatment shall be based on medical necessity and may be subject to prior authorization. Except for inpatient services, when an individual is receiving treatment for an early developmental delay, the health insurance plan may require treatment plan reviews based on individual needs, so long as the review is consistent with reviews for other diagnostic areas and with the department of financial regulation's rules. For children under age eight, a health insurance plan may review the treatment plan no more frequently than once every six months.

The general assembly intends that the department of financial regulation facilitate and encourage health insurance plans to bundle co-payments for services received under this act.

This act requires the agency of human services to submit a report, in consultation with Autism Speaks and health insurers, to the house committee on health care and the senate committee on health and welfare by January 15, 2014 regarding the implementation of this act, including an assessment of whether eligible individuals are receiving evidence-based services, how services may be improved, and the fiscal impact of services.

Multiple effective dates, beginning July 1, 2012

Also see: Commerce and Trade; Act No. 78 (H.512); An act relating to banking, insurance, securities, and health care administration

Also see: Health; Act No. 96 (S.209); An act relating to naturopathic physicians

Also see: Health; Act No. 107 (H.37); An act relating to telemedicine

Also see: Health; Act No. 150 (S.200); An act relating to pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers

Also see: Health; Act No. 171 (H.559); An act relating to health care reform implementation

Judiciary

Act No. 99 (H.467). Judiciary; court procedure; limitations on landowner liability; noncommercial aviation; snowboarding

An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use

This act expands the statute that protects a landowner from liability for injuries suffered by a person who enters the owner's land for recreational use to include noncommercial aviation and snowboarding.

Effective Date: July 1, 2012

Act No. 102 (H.403). Judiciary; mortgages

An act relating to foreclosure of mortgages

This act reorganizes and consolidates the statutory provisions regarding foreclosure of mortgages. The act does not make a great number of significant substantive changes to current law that affect the rights of borrowers or lenders; rather, the act restructures and modernizes existing foreclosure statutes to improve clarity and ease of use for the parties, practitioners, and the judiciary. In particular, the act unifies the currently disconnected statutory mortgage foreclosure provisions into three distinct subchapters that correspond to the three types of foreclosure available to lenders: strict foreclosure, judicial sale foreclosure, and nonjudicial sale foreclosure.

Multiple effective dates, beginning May 5, 2012

Act No. 114 (H.327). Estates and trusts; fiduciary relations

An act relating to the uniform principal and income act

This act adopts the most recent version of the Uniform Principal and Income Act (UPIA), which provides procedures for trustees administering trusts and personal representatives administering estates in allocating assets to principal and income, and to govern the proper distribution of these assets to trust beneficiaries.

Effective Date: July 1, 2012

Act No. 144 (S.116). Probate proceedings; powers of attorney; county budgets**An act relating to probate proceedings, powers of attorney, and county budget reserve funds**

This act reduces the amount of time notice by publication is required to be in newspapers for probate proceedings, and provides the court in a proceeding involving a decedent's estate with the discretion to determine that an interested party need not be served with notice if after due diligence the interested party cannot be located or if the court finds that not providing such notice serves the interests of justice and the efficient administration of estate.

The act also requires that a general power of attorney be construed to grant powers that are not expressly delineated in the terms of the power of attorney if it appears from the relevant facts and circumstances that the principal intended the agent to have general authority to act on the principal's behalf. The act clarifies that if a power of attorney executed before July 1, 2002 was valid under common law or statute existing at the time of execution, any exercise of authority under the power of attorney, whether before or after July 1, 2002, must be deemed valid if the exercise complies with common law or statute existing at the time of execution.

The act permits a county to maintain an operations reserve fund of no more than 15 percent of the total county budget and a capital reserve fund of no more than 75 percent of the county budget. Under prior law, the limits had been 10 percent and 50 percent, respectively.

Effective date: May 15, 2012

Act No. 147 (S.244). Judiciary; court diversion; motor vehicles; driving with a suspended license**An act relating to referral to court diversion for driving with a suspended license**

This act directs the court administrator, the court diversion program, and the department of motor vehicles to work cooperatively in an effort to assist Vermonters who have a suspended motor vehicle operator's license to regain their license through participation in the driving with suspended license (DLS) diversion program.

A person will be eligible to participate in the DLS diversion program if the person completes all the requirements of the underlying violation and the suspension and if, as a result, the person would otherwise be eligible to regain his or her license if not for unmet financial obligations. A person whose license was suspended for certain criminal motor vehicle offenses is not eligible to participate in the program at this time.

The program is designed to assist the person to get his or her driver's license reinstated prior to completion of payment of any debt related to the suspension. The person may be eligible for a reduction in the amount of the person's financial obligation to the state or may be permitted to establish a reasonable payment plan to discharge the debt. The program is voluntary but agreeing to participate would include certain requirements, including:

(1) meeting with diversion staff to assess the person's risks and to identify factors that contributed to previous violations leading to license suspension.

(2) completing all conditions related to the offense and indicated by the screening process that are imposed by the diversion program.

Once the diversion program accepts a person into the DLS diversion program and a contract has been agreed to by the parties, the program will notify the judicial bureau. Upon approval of the contract and any related payment plan, the judicial bureau will notify the department of motor vehicles of compliance with the contract and the person will be eligible to have his or her license reinstated, provided the person remains in compliance with the diversion contract. The department of motor vehicles may suspend a person's license for failure to comply with the diversion contract.

The court administrator is directed to begin notification of persons eligible for the program by January 15, 2013, at which time the DLS diversion program shall be operational. Priority shall be given to persons determined to be at highest risk of acquiring a criminal DLS due to an accumulation of civil suspension violations.

The court administrator, the director of the court diversion program, and the commissioner of motor vehicles are required to jointly report to the general assembly on or before December 15, 2014 on the following:

- (1) implementation of the DLS diversion program;
- (2) the number of people enrolled in the program;
- (3) the number of people who have successfully completed the program;
- (4) the number of licenses reinstated;
- (5) the number of fines and amounts modified;
- (6) additional money collected by the state as a result of the program;
- (7) the advisability of implementing the program through roadside stops for driving without a license; and
- (8) extending the program to persons who are currently prohibited from participation pursuant to the act.

Effective Date: July 1, 2012.

Also see: Conservation and Land Development; Act No. 73 (H.258); An act relating to public participation in environmental enforcement proceedings

Also see: Consumer Protection; Act No. 168 (H.778); An act relating to structured settlements and to prohibiting collusion as an antitrust violation

Also see: Crimes and Criminal Procedures; Act No. 141 (H.413); An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult

Also see: Domestic Relations; Act No. 119 (S.203); An act relating to child support enforcement

Also see: Education; Act No. 140 (H.412); An act relating to harassment in educational settings

Also see: Executive Branch; Act No. 130 (H.780); An act relating to compensation for certain state employees

Also see: Fish and Wildlife; Act No. 108 (H.53); An act relating to the Interstate Wildlife Violator Compact

Also see: Health; Act No. 97 (H.157); An act relating to restrictions on tanning beds

Also see: Health; Act No. 160 (H.759); An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment

Also see: Health; Act No. 171 (H.559); An act relating to health care reform implementation

Also see: Legislature; Act No. 139 (S.252); An act relating to the repeal or revision of reporting requirements

Also see: Transportation; Act No. 123 (H.272); An act relating to maintenance of private roads

Also see: Transportation; Act No. 126 (H.523); An act relating to revising the state highway condemnation law

Labor

Act No. 124 (H.78). Labor

An act relating to wages for laid-off employees

This act creates a statutory lien for up to 30 days of unpaid wages on the real and personal property of a corporation, which takes priority over all subsequently filed liens. The act also requires that a dissolving corporation include in its articles of dissolution a statement as to whether it owes any unpaid wages to its employees.

Effective Date: July 1, 2012

Act No. 133 (S.136). Labor

An act relating to vocational rehabilitation

This act clarifies that the commissioner of labor shall ensure that a worker who has been out of work for 90 days is screened for vocational rehabilitation services. It amends the definition of “child” in the workers’ compensation statutes to include a grandchild. Finally, the act requires the department of labor to study whether vocational rehabilitation services should be subject to performance standards and whether injured workers are receiving vocational rehabilitation services in a timely manner.

Effective Date: July 1, 2012

Act No. 154 (S.95). Labor

An act relating to employment decisions based on credit information, allowing school employees to be paid wages over the course of a year, and union organizing

This act prohibits employers from refusing to hire, discharging, or otherwise discriminating against an individual with respect to employment based on the individual’s credit report or credit history, and from inquiring about an individual’s credit report or credit history except in limited circumstances. The act allows employees of a school district to elect to have a portion of their wages withheld each pay period in a bank account held by the school district and to have funds disbursed in a lump sum or in equal installments over the summer. Finally, the act requires that any recipient of a grant of

state funds in an amount greater than \$1,001.00 certify to the secretary of administration that the funds will not be used to interfere with or restrain an employee's rights with respect to union organizing.

Effective Date: July 1, 2012

Legislature

Act No. 74 (H.629). Elections; periodic reapportionment; house of representatives; initial districts

An act relating to reapportioning the initial districts of the house of representatives

This act established new initial legislative districts in the house of representatives based on the 2010 U.S. Census and is the first of two acts that reapportion the house. These districts consist of geographic electoral subdivisions entitled to one to 12 legislative representatives and are based on the U.S. and Vermont constitutional mandates of equality of representation and Vermont statutory periodic reapportionment standards set forth in 17 V.S.A. § 1903, which are preservation of existing political subdivision lines; recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and use of compact and contiguous territory.

Pursuant to 17 V.S.A. § 1906a(a), the initial districts entitled to elect a single representative to the house are final until the next reapportionment. The initial districts entitled to elect two members to the house may, pursuant to 17 V.S.A. § 1906a(b), either remain as a two-member district until the next reapportionment or alternatively, be further subdivided into two single-member districts. Initial districts entitled to three or more members are required to be further subdivided into single- or two-member districts or a combination thereof pursuant to 17 V.S.A. § 1906a(c) and chapter II, § 13 of Vermont's Constitution, which states that voters of each representative district established by law shall elect one or two representatives from that district.

The processes for the discretion to subdivide an initial district entitled to two representatives and the requirement to subdivide an initial district entitled to three or more representatives are set forth in 17 V.S.A. §§ 1906b and 1906c, respectively. Both statutes involve the boards of civil authority of the towns within each initial district convening to make proposals for subdivisions. Both sections require that boards of civil authority consider the same periodic reapportionment standards that are found in 17 V.S.A. § 1903, with the additional requirement that the boards also consider incumbencies. The act required that boards of civil authority submit any proposals to the clerk of the house by March 15, 2012. Subdivisions of these multiple-member initial districts were subsequently enacted in the second of the two reapportionment acts, Act No. 93.

Overall, many of the house districts remained the same as under 2002 reapportionment, or were redrawn with only slight variations from 2002 boundaries. However, the shift in population northward resulted in the general assembly assigning a 10th house member to the city of Burlington and consolidating portions of two districts in Rutland and Windsor Counties, which resulted in a new Mt. Holly/Ludlow/Shrewsbury single-member district and the reassignments of the towns of Plymouth, Tinmouth, and

Wallingford to different districts. For purposes of this act, the cities of Burlington and Winooski were assigned to a 12-member district.

In Bennington County, another example of a change from 2002 reapportionment was combining the existing Shaftsbury/Glastenbury single-member district with the existing Arlington/Sandgate/Sunderland/southern portion of Rupert single-member district, and adding the town of Stratton. In Franklin County, there was established a two-member district, including St. Albans City and a part of St. Albans Town, with the balance of the town placed in a single-member district. Moreover, a Bakersfield/Fairfield/Fletcher single-member district was drawn; the towns of Fairfax and Georgia were split into two single-member districts; and the towns of Enosburgh and Montgomery were combined into a single-member district. In Lamoille County, the Wolcott/Hyde Park and Johnson/Eden 2002 single-member districts, along with the town of Belvidere, were merged into a two-member district, except that Eden was split along Route 100 so that the western portion was assigned to the new Orleans-Lamoille single-member district that also included Jay, Lowell, Troy, and Westfield. These changes left a new single-member Cambridge/Waterville district.

Several realignments in Rutland and Bennington Counties required splitting a small portion of the town of Wells around Lake St. Catherine and placing it with Poultney and Ira, with Ira being made whole after it had been split under 2002 reapportionment. The rest of Wells was placed with Middletown Springs, Pawlet, Tinmouth, and the northern portion of Rupert. In Washington County, a new two-member district encompassing the towns of Berlin and Northfield was established, which resulted in the reassignment of the town of Roxbury to the existing 2002 Orange-Addison district that includes the towns of Braintree, Brookfield, Granville, and Randolph. Moreover, the 2002 single-member district containing the Mad River Valley towns of Fayston, Waitsfield, and Warren combined with the towns of Duxbury and Moretown to form a new two-member district, and the town of Waterbury was aligned in a two-member district with the Chittenden County towns of Bolton and Huntington and Buel's Gore. In Windham County, a small segment of Townshend was assigned to the existing Dover/Readsboro/Searsburg/Somerset/Stamford/Wardsboro single-member district. And in Windsor County, the single-member districts encompassing Windsor and Hartland/West Windsor were merged into a two-member district.

Effective Date: February 28, 2012

Act No. 93 (H.789). Elections; periodic reapportionment; final representative districts; senatorial districts

An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate

This act is the second of two reapportionment acts and established the final representative districts of the house of representatives and the senatorial districts of the senate until the next reapportionment. The initial house districts established in Act No. 74 served as the foundation for the final house districts contained in this act. This act amended certain single- and two-member initial districts set forth in Act No. 74 and subdivided other multiple-member initial districts after proposals for subdivisions were made by boards of civil authority pursuant to 17 V.S.A. §§ 1906b and 1906c.

With respect to the initial house districts, in Bennington and Rutland Counties, the two-member initial district containing the towns of Arlington, Glastenbury, Sandgate, Shaftsbury, Stratton, Sunderland, and the southern portion of Rupert was reconfigured. The town of Stratton was returned to its 2002 house district with the towns of Jamaica, Londonderry, Weston, and Winhall. The towns of Shaftsbury and Glastenbury were placed in a new single-member house district with a segment of the town of Sunderland. The balance of the town of Sunderland was placed in a new two-member district with the towns of Arlington, Sandgate, and Manchester. Rupert was made whole in a revised single-member district that also includes the towns of Middletown Springs, Pawlet, Wells (which was also made whole after having been divided in Act No. 74), and a portion of the town of Tinmouth. The balance of Tinmouth was assigned to the two-member district containing the towns of Clarendon, Proctor, Wallingford, and West Rutland.

In Chittenden County, the two initial single-member districts set forth in Act No. 74 for the towns of Hinesburg and Charlotte were amended so that the southwestern corner of Hinesburg that was placed with Charlotte under 2002 reapportionment remained with Charlotte, but the northwestern corner that was also with Charlotte under 2002 reapportionment was returned to Hinesburg. Moreover, the initial two-member district encompassing the towns of St. George and Shelburne was subdivided into two single-member districts using the same boundaries as were enacted under 2002 reapportionment. The initial 12-member district encompassing the cities of Burlington and Winooski was subdivided into seven districts. One of the districts, as required by Act No. 74, is a two-member district containing the entire city of Winooski and a portion of the city of Burlington. The balance of Burlington was divided into four two-member districts and two one-member districts. The four-member initial district representing all of the city of South Burlington was subdivided into four single-member districts. The boundary line between the Essex Town two-member district and the single-member district containing the town of Westford and a small segment of Essex Town was slightly adjusted. The four-member initial district for the town of Colchester was subdivided into two new two-member districts.

In Lamoille and Orleans Counties, under Act No. 74, the town of Eden was split along Route 100 so that the western portion was placed in a single-member district with the Orleans County towns of Jay, Lowell, Troy, and Westfield, and the eastern portion was placed in a two-member district with the Lamoille County towns of Belvidere, Hyde Park, Johnson, and Wolcott. Under this second reapportionment act, Eden was made whole and placed in a revised single-member district with the towns of Jay, Lowell, Westfield, and a portion of the town of Troy. The balance of Troy was then assigned to the two-member district containing Newport City, Newport Town, Coventry, and Irasburg.

In Windham and Bennington Counties, the town of Townshend was made whole and placed with Marlboro and Newfane, which restored this district to its 2002 reapportionment configuration. Correspondingly, the town of Whitingham was split so that most of the town remained in a single-member district with Halifax and Wilmington, with the balance of Whitingham being assigned to the single-member district containing Dover, Readsboro, Searsburg, Somerset, Stamford, and Wardsboro.

As for the senate, the following changes were made to the 2002 senatorial districts: Brandon was moved from the Addison district to the Rutland district; Buel's Gore and Huntington were moved from the Chittenden district to the Addison district; Eden was moved from the Essex-Orleans district to the Lamoille district; and Mount Holly was moved from the Rutland district and Londonderry was moved from the Windham district and both were placed in the Windsor district. The Bennington, Caledonia, Franklin, Grand Isle, Orange, and Washington senatorial districts all remained unchanged from 2002 reapportionment.

Finally, this act, for the 2012 elections, changed the earliest date upon which primary petitions and statements of nomination may be filed. Under 17 V.S.A. § 2356, the earliest date for filing is the second Monday in May; however, for 2012 elections, this act changed that date to May 29, 2012. The final filing deadline of 5:00 p.m. on the second Thursday after the first Monday in June preceding the primary election remains unchanged.

As provided in Sec. 5, the reapportioned districts of the house and senate set forth in this act apply to the 2012 election cycle and thereafter.

Effective Date: May 1, 2012

Act No. 103 (H.503). Legislature; public safety; traffic control officer; capitol police; constables; Vermont criminal justice training council; legislative parking

An act relating to the certification of capitol police and constables and to legislative traffic control and parking

This act eliminates the ability of the sergeant at arms to employ a traffic control officer, which is a position that has not been filled for at least a decade. Pursuant to 2 V.S.A. § 70(c), which is unchanged by this act, the control of traffic around the capitol complex is under the direction of the commissioner of buildings and general services.

This act also requires capitol police to be certified as law enforcement officers by the Vermont criminal justice training council (the "VCJTC"). Prior to the effective date of this act, the sergeant at arms had the ability to prescribe qualification and certification standards for capitol police who were not already certified by the VCJTC, and to appoint the traffic control officer or any other employees of the sergeant at arms as capitol police officers.

Moreover, the act in Sec. 5 addresses a change to the VCJTC's minimum training standards requirements set forth in 20 V.S.A. § 2358. 2008 Acts and Resolves No. 195, Sec. 8 struck the second sentence of 20 V.S.A. § 2358(d) which reads, "Any requirements in this section shall be optional for any elected official." This amendment has an effective date of July 1, 2012 pursuant to 2008 Acts and Resolves No. 195, Sec. 13, as amended by 2010 Acts and Resolves No. 108, Sec. 11. As it applies to constables, the amendment would require any elected constable who is not prohibited by his or her town from exercising law enforcement authority pursuant to 24 V.S.A. § 1936a to complete by July 1, 2012 the VCJTC's basic training course that is required for certification by the VCJTC in order for those constables to continue to exercise law enforcement authority. Sec. 5 of this act, however, exempts from this requirement any constable who, as of May 1, 2012, has commenced a VCJTC basic training course in

order to be certified and who is not prohibited by his or her town from exercising law enforcement authority, and authorizes him or her to complete the course by and continue to exercise that authority until July 1, 2013. Thereafter, such a constable, as other law enforcement officers regulated by the VCJTC, would need to be certified in order to exercise law enforcement authority.

Correspondingly, Sec. 6 of this act requires the VCJTC to supply to the constables meeting the criteria of Sec. 5 of the act the field training necessary for those constables to be certified by the VCJTC by July 1, 2013, or alternatively, to provide those constables with an alternative source that will provide the constables that training. Furthermore, by January 15, 2014, the VCJTC is required to report to the house and senate committees on judiciary and on government operations the sources from which these constables received this field training.

Finally, Sec. 7 of this act requires the sergeant at arms, the commissioner of building and general services, and the operations manager of the legislative council to conduct a study regarding the availability of parking spaces for members of the general assembly around the capitol complex. The results of the study and a proposed plan that may be implemented by the beginning of the next legislative biennium is due by November 15, 2012.

Effective Date: July 1, 2012

Act No. 139 (S.252). Legislative branch; executive branch; judicial branch; reports; repeal or revision

An act relating to the repeal or revision of reporting requirements

This act eliminates certain reports that are required to be made to various members of the legislative, executive, and judicial branches. The act also amends the recipients of other reports. In some cases, this act revises reporting requirements so that the provisions of 2 V.S.A. § 20(d), which provide for a general expiration of agency reports required to be made to the general assembly, do not apply to certain reports.

Effective Date: May 14, 2012

Also see: Commerce and Trade; Act No. 110 (H.556); An act relating to creating a private activity bond advisory committee

Also see: Executive Branch; Act No. 89 (H.550); An act relating to the Vermont administrative procedure act

Also see: Executive Branch; Act No. 113 (S.237); An act relating to the genuine progress indicator

Also see: Executive Branch; Act No. 130 (H.780); An act relating to compensation for certain state employees

Also see: Health; Act No. 171 (H.559); An act relating to health care reform implementation

Also see: Professions and Occupations; Act No. 116 (H.524); An act relating to the secretary of state and the regulation of professions and occupations

Motor Vehicles

Act No. 71 (S.249). Motor vehicles; commemorative license plates

An act relating to Vermont Strong commemorative motor vehicle plates

This act authorizes the department of motor vehicles to design, manufacture or procure, distribute, and sell, and authorize others to sell, “Vermont Strong” commemorative plates, which may be displayed on certain motor vehicles by covering the regular front registration plate with the commemorative plate until June 30, 2014.

Effective Date: February 9, 2012

Act No. 90 (H.768). Motor vehicles; ignition interlock restricted driver’s licenses; civil DUI suspensions

An act relating to ignition interlock restricted drivers’ licenses and civil suspensions

This act:

(1) Extends the periods before which the holder of an ignition interlock restricted driver’s license (RDL) is eligible for reinstatement of his or her regular license if the holder makes three attempts to start a vehicle with a blood alcohol concentration (BAC) of 0.04 or over, or if the holder fails a rolling retest with a BAC of 0.04 or above.

(2) Extends by six months the period before which an RDL holder is eligible for reinstatement if the holder is convicted of operating a motor vehicle not equipped with an ignition interlock device, or attempting to tamper with or circumvent the device, or failing to pull over after failing a rolling retest, and repeals an existing provision requiring the RDL be permanently revoked in such cases.

(3) Provides that an RDL holder shall be subject to an extension of his or her reinstatement eligibility period if the holder violates a rule adopted by the commissioner, and repeals an existing provision authorizing a fine and a recall of the holder’s RDL for such violations.

(4) Specifies that applicants for RDLs will be notified of the possibility of the extensions described in (1)–(3) prior to the issuance of the RDL, and that RDL holders will have an opportunity to be heard prior to any extension being imposed.

(5) Amends current law to extend eligibility for an RDL to persons whose underlying DUI offense involved a refusal to consent to a breath test, and provides that such persons must operate under the RDL for longer periods than persons who do elect to take a breath test before they are eligible for reinstatement of their regular license.

(6) Provides that an RDL will expire on the eve of a holder’s second birthday following the date of issue.

(7) Eliminates a requirement that an RDL holder notify the department of motor vehicles if an ignition interlock device is removed or if the vehicle changes ownership.

(8) Provides that a person electing to obtain an RDL, and whose DUI offense involved a BAC of 0.16 or more, must obtain an ignition interlock device with GPS capabilities.

(9) Requires a person whose license is reinstated under the Total Abstinence program to operate under an ignition interlock RDL for a one-year period following reinstatement, unless the person already operated under an RDL for a period of three years prior to reinstatement.

Effective Date: July 1, 2012

Act No. 95 (S.238). Motor vehicles; licenses, persons without Social Security numbers; study committee

An act relating to a study on access to driving privileges in Vermont

This act establishes a 9-member study committee to review current procedures of the department of motor vehicles and other issues related to potential legislation to authorize the issuance of Vermont drivers' licenses and non-driver identification cards to Vermont residents without Social Security numbers. The committee is required to submit a report to the house and senate committees on transportation and on agriculture on or before January 15, 2013.

Effective Date: May 1, 2012

Act No. 164 (S.251). Motor vehicles; snowmobiles

An act relating to miscellaneous amendments to laws pertaining to motor vehicles

This act:

(1) Prohibits the display or possession of fictitious or fraudulently altered inspection stickers and the misuse of inspection stickers.

(2) Expands the scope of electronic registration transactions for which a printed receipt serves as a temporary registration to include any registration transaction processed electronically.

(3) Authorizes the department of motor vehicles to retain overpayments by customers of up to \$1.00.

(4) Provides that free permits are available for vehicles up to 75 feet in length traveling on portions of Route 4.

(5) Eliminates the requirement that applications for titles to vessels, snowmobiles, and all-terrain vehicles be accompanied by an application for registration.

(6) Makes a technical correction in the definition of "motor vehicle" in the new motor vehicle arbitration act.

(7) Specifies that any dealer registered in Vermont is subject to disclosure requirements regarding vehicles returned under the new motor vehicle arbitration act (or under a similar act in another state), and is prohibited from reselling a motor vehicle determined or adjudicated as having a serious safety defect. An affirmative defense is provided for those manufacturers, agents, and dealers that purchase a motor vehicle without actual knowledge or notice from a vehicle's title that the vehicle was returned under Vermont's or another state's lemon law.

(8) Reorganizes and clarifies the law governing snowmobile registrations and trails maintenance assessment decals, and authorizes snowmobiles properly registered in

another state or province to be operated in Vermont without a trails maintenance assessment decal on designated trails from the New Hampshire border to the village of Beecher Falls, Vermont.

(9) Specifies that when VAST serves as the agent of the commissioner of motor vehicles for the purpose of issuing temporary snowmobile registrations, VAST shall promptly remit any registration fees that it collects to the commissioner in accordance with rules adopted by the commissioner.

(10) Reorganizes the section of law that specifies how snowmobile registration receipts are distributed, and specifies that the \$5.00 per registration allocated to the agency of transportation shall be allocated to the transportation fund.

(11) Provides for administrative penalties if VAST or VAST's agent violates the laws or regulations of the state governing snowmobiles.

(12) Creates a new type of special license plate called a "next-of-kin" plate which may be issued to the parents, widows and widowers, and next of kin of members of the armed forces who lost their lives while serving on active duty or on active duty for training, while assigned in a reserve or national guard unit in drill status, or as a result of injury of illness incurred during such service or assignment.

Effective Date: July 1, 2012

Also see: Judiciary; Act No. 147 (S.244); An act relating to referral to court diversion for driving with a suspended license

Municipal Charters

Act No. M-9 (H.493). Municipal charters; city of South Burlington; amendments

An act relating to approval of amendments to the charter of the city of South Burlington

Effective Date: January 30, 2012

Act No. M-10 (H.459). Municipal charters; town of Brattleboro; amendments

An act relating to approval of amendments to the charter of the town of Brattleboro

Effective Date: April 27, 2012

Act No. M-11 (H.484). Municipal charters; solid waste; Windham solid waste management district

An act relating to amendment to the Windham solid waste district charter

Effective Date: July 12, 2012

Act No. M-12 (H.792). Municipal charters; city of Burlington; amendments

An act relating to approval of amendments to the charter of the city of Burlington

Effective Date: May 3, 2012

Act No. M-13 (H.793). Municipal charters; Winooski incorporated school district; amendments

An act relating to approval of amendments to the charter of the Winooski incorporated school district

Effective Date: May 3, 2012

Act No. M-14 (H.784). Municipal charters; town of Williamstown; adoption and codification

An act relating to approval of the adoption and codification of the charter of the town of Williamstown

Effective Date: May 7, 2012

Act No. M-15 (H.787). Municipal charters; city of Montpelier; amendments

An act relating to approval of amendments to the charter of the city of Montpelier

Effective Date: May 7, 2012

Act No. M-16 (H.790). Municipal charters; town of Hartford; amendments

An act relating to approval of amendments to the charter of the town of Hartford

Effective Date: May 7, 2012

Act No. M-17 (H.788). Municipal charters; town of Richmond; amendments

An act relating to approval of amendments to the charter of the town of Richmond

Effective Date: May 8, 2012

Act No. M-18 (H.786). Municipal charters; town of Windsor; North Bennington graded school district; amendments

An act relating to approval of amendments to the charter of the town of Windsor and to an amendment to the charter of the North Bennington graded school district

Effective Date: May 9, 2012

Municipal Government

Act No. 69 (H.507). Municipal government; city of Burlington; bonding; authorization

An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009

This act authorizes the city of Burlington, acting by and through its city council, to pledge the credit of the city through the issuance of bonds or notes in the amount of \$1,250,000.00, so long as the bonds or notes are issued prior to the close of fiscal year 2013. This specific amount of credit was previously approved to be pledged by the board of school commissioners and the city council on June 18 and 22, 2009, respectively, pursuant to the provisions in Burlington's charter set forth in 24 App. V.S.A. chapter 3, § 62(f)(3), but the bonds or notes were subsequently not issued in fiscal year 2009 or thereafter. The authorization provided in this act is in addition to the amount of credit that may be pledged in any fiscal year pursuant to 24 App. V.S.A. chapter 3, § 62(f)(3).

Effective Date: February 6, 2012

Act No. 70 (H.515). Municipal government; tax records; public records; liability

An act relating to holding public agencies harmless for disclosure of property tax adjustment information

This act provides that a public agency or employee of a public agency shall not be held liable for a violation of the public records act, a violation of tax return confidentiality requirements, or for a claim based on invasion of privacy as a result of disclosure of property tax adjustment information prior to the issuance of the mandate on the Vermont Supreme Court in *In re H.S. 122* (Vt. Dec. 22, 2011), which held that property tax adjustment information on municipal property tax bills is confidential tax return information.

Effective Date: February 6, 2012

Act No. 81 (H.378). Municipal government; county taxes; town payment

An act relating to town payments of county taxes

This act amends 24 V.S.A. § 134 so that instead of requiring a town to pay all of its county taxes annually on or before July 5, a town can pay these taxes in two equal annual installments, on or before July 5 and on or before November 5.

Effective Date: April 13, 2012

Act No. 83 (H.634). Municipal government; municipal ordinance violations

An act relating to remedies for failure to pay municipal tickets

This act makes available the same remedies for failure to pay judicial bureau judgments arising out of municipal ordinance violations as are available under current law for failure to pay judicial bureau judgments arising out of other types of civil violations. The act also requires that municipal ordinance violations transferred to the criminal division of the superior court or to the district court under prior law be transferred to the judicial bureau for adjudication and collection.

Multiple effective dates, beginning April 18, 2012

Act No. 155 (S.106). Municipal government; internal financial controls; search and rescue operations; emergency medical services

An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services

This act makes various changes to municipal government laws, including changes to penalties that may be assessed for certain municipal violations; to requirements for the publication a municipality must make for proposed ordinances; to requirements for filing survey plats; and to municipal planning and development. It also, in Sec. 4, repeals provisions related to town obligations regarding damages by dogs, and in Sec. 11 repeals provisions related to town obligations for poor relief. The act in Sec. 8a allows the town of Plainfield to have its polling place, annual and special meetings, and with permission, other public meetings at Twinfield Union School in Marshfield for the next three years.

Sec. 12 repeals two statutes related to glebe lands, one of which was held to be unconstitutional. Secs. 19 and 20 refine the structure for hearing tax appeals in the unorganized towns and gores, and Sec. 21 allows a unified town or gore to claim reimbursement for grievance hearing expenditures made under a previous tax appeal hearing structure.

Secs. 23–29 are in regard to internal financial controls. These sections require the auditor of accounts to make available to counties, municipalities, and supervisory unions a document designed to determine the internal financial controls in place to assure proper use of public funds, and further require municipalities, supervisory unions, and supervisory districts to make use of this document. The act also requires the auditor of accounts to make education regarding fiduciary duties available to county, municipality, and school district officials, and to post certain information regarding embezzlements and false claims made against the state on his or her website.

Secs. 30 and 31 cover search and rescue operations. Sec. 30 establishes an interim protocol for the management of search and rescue operations that must be followed until further legislative action. This section sets required standards for the interim protocol, including the immediate response to every search and rescue call for help. It also sets up an incident command system, whereby either the search and rescue team of the department of public safety or, under specific circumstances, a municipal police department or sheriff under contract with a municipality, would be required to assume lead responsibility of any search and rescue operation conducted in a municipality. However, no matter what entity assumes lead responsibility within a municipality, the interim protocol must be implemented in search and rescue operations and it requires of the department of public safety that all resources capable of assisting in a search and rescue operation be assessed; that the resources be organized into a database; and that these resources be utilized as appropriate during any search and rescue operation. This section also requires that by July 1, 2014, the department of public safety's search and rescue team and all Vermont game wardens obtain high-level search and rescue operations training and training on the incident command system. Sec. 32 sets up a search and rescue strategic plan development committee that will recommend how search and rescue operations should be conducted on a permanent basis. A report with findings, recommendations, and any draft legislation to implement the recommendations is due to the general assembly by December 15, 2012.

Finally, Secs. 32–44 are in regard to emergency medical services (“EMS”). These provisions make various changes to EMS statutes within Titles 18 and 24, including requiring the licensing—instead of the certification—of EMS personnel, and requiring the agency with which personnel are affiliated to credential those personnel. The act also sets up an EMS special fund and an EMS advisory committee. Moreover, within Title 21, regarding labor, the act amends within chapter 9, regarding employer liability and workers' compensation, the definition of “public employment” as it relates to volunteer firefighters and rescue and ambulance squads, private volunteer fire departments, and private volunteer rescue or ambulance squads so that public employment is no longer defined as “in the line of duty” after either the vote of a municipality or election by the organization, and instead is defined as “in any capacity under the direction and control” of those organizations.

Effective Date: Multiple effective dates, beginning May 16, 2012

Also see: Conservation and Land Development; Act No. 117 (H.577); An act relating to public water systems

Also see: Conservation and Land Development; Act No. 118 (S.179); An act relating to amending perpetual conservation easements

Also see: Judiciary; Act No. 144 (S.116); An act relating to probate proceedings, powers of attorney, and county budget reserve funds

Also see: Legislature; Act No. 103 (H.503); An act relating to the certification of capitol police and constables and to legislative traffic control and parking

Also see: Public Service; Act No. 170 (S.214); An act relating to the Vermont Energy Act of 2012

Also see: Taxation and Fees; Act No. 67 (H.461); An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage

Also see: Taxation and Fees; Act No. 72 (H.505); An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Professions and Occupations

Act No. 116 (H.524). Professions and occupations; professional regulation; sunrise review; secretary of state

An act relating to the secretary of state and the regulation of professions and occupations

This act modifies statutory provisions relating to the office of professional regulation and the following professions and their corresponding occupations: chiropractic, dental, nursing, optometry, pharmacy, veterinary, land surveying, radiologic technology, psychology, clinical social work, dietetics, naturopathic medicine, and boxing, kickboxing, martial arts, and mixed martial arts. Moreover, Sec. 69 of the act requires the board of funeral service to conduct a study regarding whether it should issue limited licenses for limited practices of funeral services and to report by November 1, 2012 its findings and any recommendations for legislative action to the house committees on general, housing and military affairs and on government operations and to the senate committees on economic development, housing and general affairs and on government operations. Sec. 70 of the act also requires the director of the office of professional regulation to make a preliminary assessment of whether the profession of home inspection should be regulated.

Aside from provisions related specifically to professional regulation, the act in Sec. 6 requires the secretary of state to include a concise summary of a proposed rule in the formal publication regarding proposed rules that he or she is required to make. Furthermore, Sec. 7 of the act requires legislative council to prepare a catalogue of the

use of the words “physician” and “doctor” used in the Vermont Statutes Annotated and deliver the catalogue to the general assembly no later than November 1, 2012.

Multiple effective dates, beginning May 9, 2012

Also see: Health; Act No. 96 (S.209); An act relating to naturopathic physicians

Also see: Health; Act No. 122 (S.236); An act relating to health care practitioner signature authority

Property

See: Banking; Act No. 85 (H.565); An act relating to regulating licensed lenders and mortgage loan originators

See: Conservation and Land Development; Act No. 91 (H.752); An act relating to permitting stormwater discharges in impaired watersheds

See: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

See: Transportation; Act No. 123 (H.272); An act relating to maintenance of private roads

See: Transportation; Act No. 126 (H.523); An act relating to revising the state highway condemnation law

See: Transportation; Act No. 153 (H.770); An act relating to the state’s transportation program

Public Records

See: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Public Safety

Act No. 134 (H.535). Judiciary

An act relating to racial disparities in the Vermont criminal justice system

This act directs the Vermont Center for Justice Research to collect data on how race effects criminal sentencing practices and report its analysis to the legislature on or before December 15, 2012. The act also requires state and local law enforcement agencies to adopt bias-free policing policies, and requires anti-bias training to be included in law enforcement minimum training standards.

Effective Date: July 1, 2012

Also see: Commerce and Trade; Act No. 167 (H.699); An act relating to scrap metal processors

Also see: Health; Act No. 150 (S.200); An act relating to pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers

Also see: Education; Act No. 101 (S.181); An act relating to school resource officers

Also see: Legislature; Act No. 103 (H.503); An act relating to the certification of capitol police and constables and to legislative traffic control and parking

Also see: Municipal Government; Act No. 155 (S.106); An act relating to miscellaneous changes to municipal government law, to internal financial controls, to the management of search and rescue operations, and to emergency medical services

Public Service

Act No. 125 (H.475). Energy; public service; net metering; conservation and land development

An act relating to net metering and the definitions of capacity

This act primarily consists of technical modifications to an existing statute that authorizes customers who self-generate electricity using renewable energy to “net meter” or count that generation against the electricity supplied to them by their electric company. The act specifically raises from five to 10 kilowatts an existing individual capacity cap for a registration process for solar net metering systems and instructs the public service board to modify its solar net metering forms and procedures to reflect this new cap. The act also clarifies how credits are calculated for net metering customers who are on “demand” or “time-of-use” rate schedules. The act further requires an electric company to base the calculation of additional credits for solar net metering systems on the company’s general residential rate schedule. The act directs the department of public service to submit a report to the general assembly by January 15, 2013 that evaluates and makes recommendations regarding Vermont’s net metering statutes, rules, and procedures. The act also clarifies how capacity for solar energy plants is measured.

Multiple effective dates, beginning May 11, 2012

Act No. 165 (S.148). Energy; public service; conservation and land development; hydroelectric

An act relating to expediting development of small and micro hydroelectric projects

This act makes findings on: the potential for additional hydroelectric power in Vermont; the fact that most hydroelectric projects in Vermont are smaller than five megawatts in capacity; the process to obtain approval of small hydroelectric projects from the Federal Energy Regulatory Commission (FERC); and FERC’s entry into a memorandum of understanding (MOU) with the state of Colorado under which the FERC approval process for such projects is simplified through prescreening of applications by the state. The act requires the commissioner of public service (commissioner) in consultation with the secretary of natural resources to seek to enter into an MOU with FERC for a program to expedite the approval of small hydroelectric projects in Vermont. In entering into such an MOU, the commissioner is directed to offer prescreening of applications by the state. The act requires the commissioner to submit a written report to the general assembly every two years that details the progress of the program and makes recommendations on improving procedures for approval of micro hydroelectric projects (100 kilowatts or less).

Effective Date: May 14, 2012

Act No. 169 (S.180). Public service; telecommunications; universal service fund; high-cost program**An act relating to the universal service fund and establishment of a high-cost program**

This act requires the commissioner of public service, in conjunction with the public service board, to study whether the universal service charge should be used as a means of keeping basic telecommunications service affordable in all parts of the state through establishment of a high-cost program. The study shall include an audit of the fund as well as an assessment of the impact that recent changes at the federal level will have on the fund. In addition, the act establishes a high-cost program for one year which requires any funds in excess of \$1 million remaining in the state universal service fund as of September 1, 2012 to be distributed among all incumbent local exchange carriers. Finally, the act requires the commissioner of public service, in consultation with the commissioner of taxes, to convene a work group to study application of the state's universal service charge to prepaid wireless telecommunications services.

Multiple effective dates, beginning May 18, 2012

Act No. 170 (S.214). Energy; public service; conservation and land development**An act relating to the Vermont Energy Act of 2012**

This act makes the following changes to Vermont laws that affect energy:

Renewable energy goals. The act amends the state's renewable energy goals to encourage distributed renewable generation and to promote renewable energy plants that are diverse in size and technology and that use natural resources efficiently. The act requires the integrated resource plans of Vermont's electric utilities to be consistent with these goals.

SPEED program; generally. The act revises the goals of the Sustainably Priced Energy Enterprise Development (SPEED) program. It clarifies an existing SPEED goal that 20 percent of total retail sales statewide in 2017 be from new renewable energy, and it adds a total renewables target for each electric utility of 55 percent starting in 2017 rising to 75 percent by 2032. Utilities are required to manage their supply portfolios to be reasonably consistent with the total renewables targets. Consistency with the targets is to be reviewed as part of cases before the public service board (PSB).

SPEED; standard offer program. This act codifies the existing standard offer program in its own separate statutory section, clarifies eligibility for the program, and expands the program from a "cumulative capacity" ceiling of 50 megawatts (MW) to 127.5 MW in annual increments over the next 10 years. The PSB is required to reduce the annual increments to account for "greenhouse gas reduction credits" created by an eligible ratepayer (see below). The PSB is also authorized to allocate regulatory costs to both utilities and renewable energy project developers.

The act exempts three types of plants from the cumulative capacity ceiling: farm methane plants, new standard offer plants that have substantial benefits to the operation and management of the electric grid, and existing in-state hydroelectric plants that are five MW or less and that meet other eligibility requirements. The PSB is required to

make a standard offer contract of 10 or 20 years available to these existing in-state hydroelectric plants, at a price of no more than \$.08 per kilowatt hour adjusted for inflation.

Starting in 2013, for new standard offer plants, the PSB is instructed to set prices annually for each category of renewable energy using either a “market-based procurement” or “avoided cost” pricing mechanism. The act also tightens requirements for participation in the standard offer program in order to discourage developers from filling program capacity with projects unlikely to be built. If a standard offer project does not meet the requirements of the program in a timely manner, its contract terminates, and any capacity within the program is reallocated to other eligible plants. Further, the PSB is required to submit a report and action plan on any factors to date that have, relative to the standard offer program, caused delays in placing plants in service or increased the costs to ratepayers.

Biennial report on renewable energy programs. This act requires the PSB to submit to the general assembly biennial reports providing detailed information and analyses on the SPEED and standard offer programs. The required report also must compare Vermont’s electric retail rates to inflation rates and to rates in other New England states. If Vermont rates are increasing at a comparatively faster pace, the report must assess the contributions to the rate increases from various sources such as the cost of energy and capacity, transmission and distribution infrastructure, and the standard offer program.

Further study and report on mechanisms to promote renewable energy. This act requires the PSB, in consultation with the department of public service (DPS), to submit a further study and report on a potential renewable portfolio standard for the state and other potential mechanisms to encourage renewable energy.

Greenhouse gas reduction credits. This act allows greenhouse gas reduction credits generated by an eligible ratepayer to adjust the cumulative capacity of the standard offer program and establishes a methodology for calculating such credits. Eligible reductions are reductions in emissions from the eligible ratepayer’s manufacturing process that are not energy-related, so long as the reductions result from specific projects, are otherwise required by law, are quantifiable, and are verified by an independent third party. Electricity providers are required to pass on savings realized through these credits proportionally to the eligible ratepayers generating the credits.

New gas and electric purchases; criteria for approval. This act amends the criteria applied by the PSB under 30 V.S.A. § 248 to determine whether to approve new electric generation and transmission and natural gas transmission facilities, purchases, and investments. It clarifies that the determination of whether a facility, purchase, or investment is needed is based on an assessment of environmental and economic costs performed in the same manner as for utility integrated resource plans. For the siting of an in-state facility, the act requires a determination that the facility will not have an undue adverse effect on the use of natural resources, and that due consideration is given to greenhouse gas impacts. For an in-state generation facility using woody biomass, it requires compliance with applicable air pollution control requirements, achievement of a reasonable design system efficiency for the type and design of facility, and compliance

with fuel harvesting guidelines and procurement standards that are consistent with those developed by the agency of natural resources (ANR) (see below).

Total energy report. This act requires the DPS to report on proposed policies and funding mechanisms that would support achieving the DPS's recommendation that, by 2050, 90 percent of energy consumed in Vermont be renewable energy. The report is to address Vermont's "total energy" consumption, including electricity, thermal energy, and transportation. The report also is to consider development of a science-based public information campaign on the causes and risks of climate change.

Greenhouse gas accounting. ANR is required to adopt rules for life cycle accounting of greenhouse gas emissions, to be used across state and local government.

Smart metering. This act establishes that utilities may, on prior written notice, install wireless smart meters for their customers. Customers may opt out of the installation at no charge. Further, DPS and the departments of health must submit a joint report on wireless smart meters and their potential health effects.

Biomass heating systems. This act establishes that high-efficiency biomass heating systems, whether they use wood or other biomass, are qualifying systems for the thermal efficiency services delivered by Efficiency Vermont. Under prior law, only woody biomass heating systems qualified.

Harvesting and procurement standards. This act directs ANR to develop wood harvesting guidelines to be used for wood energy purposes and other harvesting. These guidelines would be voluntary for private landowners, except that they would be incorporated into forest management plans and practices for lands in the use value appraisal program. The commissioner of forests, parks and recreation also is required to ensure that wood product harvests on state lands are consistent with the purpose of the guidelines. The act further directs ANR to develop procurement standards to be used in the state procurement of wood products, including biomass energy. These procurement standards would be available to other institutions on a voluntary basis. The act directs ANR to seek implementation of regional harvesting guidelines and procurement standards.

Resource mapping. This act requires ANR to complete resource mapping based on the geographic information system to identify natural resources throughout the state that may be relevant to energy projects and to consider these maps when providing evidence or making recommendations to the PSB and to district commissions.

Biomass energy demonstration project. This act authorizes a biomass energy demonstration project to be implemented in Chittenden County. The demonstration project will be subject to forest harvesting guidelines and procurement standards and must provide pellets at a reduced cost to low income households.

Solar energy devices; exemption; flat roofs. This act exempts solar energy devices installed on flat roofs from regulation under municipal land use bylaws.

Multiple effective dates, beginning May 18, 2012

Also see: Taxation and Fees; Act No. 127 (H.679); An act relating to creating a uniform capacity tax for solar renewable energy plants

Retirement

See: Education; Act No. 156 (S.113); An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

Taxation and Fees

Act No. 67 (H.461). Taxation and fees; education property tax; abatements

An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage

This act provides a system for reimbursing towns for statewide education property taxes that were abated due to a federally declared disaster in Vermont between April 1, 2011 and October 1, 2011.

Sec. 1(a)

Allows the commissioner of taxes to reimburse towns for the portion of its education fund payment for which the underlying taxes were abated.

The abatements must have been made on property “lost or destroyed due directly or indirectly to flooding in an area that was declared a federal disaster between April 1, 2011 and October 1, 2011, and that were abated, in proportion to the abated municipal tax . . .”

The tax commissioner shall adopt procedures to implement this section.

Sec. 1(b)

Allows the commissioner of taxes to reimburse towns for reasonable interest expenses associated with borrowing that were due to the disruption of tax collection resulting from flooding in an area that was declared a federal disaster between April 1, 2011 and October 1, 2011.

Sec. 1(c)

Allows the department of education to reconcile the reimbursements in either the payments owed to the education fund by certain towns under 32 V.S.A. § 5402(c) or in the payments each town makes to its school district under 16 V.S.A. § 426.

Sec. 1(d)

Allows the boards of abatement to reconsider any earlier decision it made between April 1, 2011 and the date of passage of this act.

Sec. 2

The bill takes effect on passage.

Effective Date: January 18, 2012

Act No. 72 (H.505). Taxation and fees; education property tax payments

An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont

This act allows the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont

Sec. 1. Deferral of December education fund payments

For fiscal year 2012 only, the treasurer may defer the December 1 date for education fund payments for up to 90 days. Any amount deferred shall not exceed the costs incurred by a municipality as a result of a federally declared disaster in 2011.

Sec. 2. Effective date

The act takes effect on passage and shall apply to payments due on December 1, 2011.

Effective Date: February 10, 2012

Act No. 111 (H.773). Taxation and fees

An act relating to veterans' tax exemption

This act amends the definition of veteran for the purpose of the veteran's property tax exemption to apply to all veterans that are at least 50 percent disabled, and not just those that are veterans of a war or have received an American Expeditionary Medal.

Effective Date: May 8, 2012

Act No. 127 (H.679). Taxation and fees; renewable energy

An act relating to creating a uniform capacity tax for solar renewable energy plants

Sec. 1. Uniform capacity tax

Creates a capacity tax of \$4.00 per kilowatt plant capacity for solar renewable energy plants. Exempts plants under 10 kilowatt capacity from the tax.

Sec. 2. Property tax exemption for small plants

Creates an exemption from municipal and education property taxes for real and personal property composing a solar renewable energy plant of 10 kilowatt capacity or less.

Sec. 3. Education property tax exemption for large plants

Creates an exemption from the education property tax for the building and fixtures of a solar renewable energy plant subject to the capacity tax.

Sec. 4. Prospective repeal and report

Sunsets the exemptions in Secs. 1 and 2 for plants under 10 kilowatt capacity on January 1, 2023. Requires the department of taxes, by January 15, 2021, to report to the senate committees on finance and on natural resources and energy, and the house committees on ways and means and on natural resources and energy on whether the exemptions for plants under 10 kilowatt capacity should be retained, and whether the rate of the capacity tax should be altered.

Sec. 5. Wind generation tax

Lowers the capacity threshold of plants subject to the wind generation tax under 32 V.S.A. § 5402c from five megawatts to one megawatt.

Sec. 6. Guidance on municipal taxes

Requires the department of taxes to provide from time to time guidance for municipalities on valuing solar plants subject to the capacity tax.

Effective Date: January 1, 2013

Act No. 128 (H.761). Taxation and fees

An act relating to executive branch fees, including motor vehicle and fish and wildlife fees

This act adjusts executive branch fees as follows:

1. Office of professional regulation.
 - a. Decreases fees for the biennial renewal of an osteopath license.
 - b. Increases fees for licenses for private investigative and security services.
 - c. Allows a nonprofit corporation to receive a single-event snowmobile racing permit.
2. Department of labor. Extends the rate of contribution for workers' compensation insurance at 1.75 percent.
3. Department of health.
 - a. Increases the annual registration fee for x-ray equipment.
 - b. Increases fees for restaurant licenses, lodging licenses, home bakery licenses, and food processor licenses.
4. Department of disabilities, aging, and independent living. Allows the department to charge fees for providing assistive technology services.
5. Department of motor vehicles. Increases fees for nondriver identification cards, vanity license plates, registration certificates, title transfers, vehicle registration, drivers licenses, and commercial drivers licenses.
6. Department of fish and wildlife. Increases fees for resident and nonresident hunting, fishing, and combination licenses.
7. Department of Vermont health access. Increases a hospital's annual assessment from 5.5 to six percent of its net patient revenues.
8. Defender general. Increases the minimum payment for assigned legal counsel from \$25.00 to \$50.00.

Multiple effective dates, beginning July 1, 2012

Act No. 143 (H.782). Taxation and fees

An act relating to miscellaneous tax changes for 2012

This act proposes to make numerous changes to Vermont's tax code.

Administrative provisions

Sec. 1. Petroleum distribution fee

Amends petroleum distribution fee section to limit the imposition to fuels delivered to a bulk tank and to eliminate exemption for fuels used to propel a motor vehicle. 10 V.S.A. § 1942.

Sec. 2. Notice of fund availability

Requires the secretary of agriculture, food and markets to publish or broadcast information to farmers on the availability of the petroleum cleanup fund. 10 V.S.A. § 1941 and session law.

Sec. 3. Power of attorney

Eliminates the requirement for a notary's signature on power of attorney forms authorizing people to represent taxpayers before the department of taxes. Legislation passed last session authorized the disclosure of information to authorized representatives without a notary signature, but did not remove the notary requirement in cases in which authority is given to bind a taxpayer. 14 V.S.A. § 3502.

Sec. 4. Disclosures to department of liquor control

Amends confidentiality statute to allow the department of taxes to disclose tax account information of a persons seeking a liquor license or a renewal of a liquor license. 32 V.S.A. § 3102(d)(5) and (15).

Sec. 5. Access to property tax bills

Specifies which tax bill information is confidential and who may access that information. Together with Sec. 11, this section provides a response to the Manchester decision. 32 V.S.A. § 3102.

Sec. 6. Taxpayer advocate – definition of powers and case authority

Specifies the powers of the taxpayer advocate and gives the taxpayer advocate authority to assist an individual taxpayer in resolving disputes with the department of taxes. 32 V.S.A. § 3205.

Sec. 7. Taxpayer statement of rights

Requires the taxpayer advocate to make a proposal for a taxpayer statement of rights. Session law.

Sec. 8. Recommendations for extraordinary relief

Establishes a process for the taxpayer advocate to recommend cases to the commissioner for extraordinary relief. 32 V.S.A. § 3206.

Sec. 9. Updates link to the Internal Revenue Code

Adopts any changes in the Internal Revenue Code for the immediately completed year. 32 V.S.A. § 5824.

Sec. 10. Netting of business losses

Allows a sole proprietorship business to net business losses on line h of the Vermont household income form.

Sec. 11. Property tax bills

Requires towns to create and send an alternate tax bill showing the property tax adjustment and the net tax due. Together with Sec. 5, this section provides a response to the Manchester decision. 32 V.S.A. § 6066a(f).

Sec. 12. IRS update for estate tax provisions

Adopts any changes in the Internal Revenue Code for estate taxes for the immediately completed year.

Sec. 13. Vermont Strong

Allows a Vermont Strong plate to be displayed on a motor vehicle registered in Vermont. Session law.

Sec. 13a. Little cigars

Alters the definition of little cigars.

Compliance provisions

Sec. 14. Reporting sales of beer and wine

Requires beer and wine distributors to report their sales to retail dealers to the tax department. 7 V.S.A. § 421.

Sec. 15. Interest rates adjustments

Provides an annual and monthly interest rate equal to the prime rate, subject to rounding rules, for the overpayment of tax. Provides an annual and monthly rate of interest for the underpayment of taxes that are 200 basis points higher than the rates for overpayments. Allows the department of taxes 90 days to issue corporate refunds before interest starts to run. 32 V.S.A. § 3108.

Income tax provisions

Sec. 16. Minimum tax on C corporations

Increases minimum tax on C corporations with gross receipts of under \$2 million to \$300.00, from \$2 million to \$5 million to \$500.00, and for C corporations over \$5 million to \$750.00. 32 V.S.A. § 5832.

Sec. 17. New market tax credits

Exempts partnerships or limited liability companies (LLCs) engaged solely in the business of operating a new market tax credit project in Vermont from withholding requirements for nonresidents. 32 V.S.A. § 5920(g).

Sec. 18. VEGI documentation

Clarifies that a Vermont Economic Growth Incentive (VEGI) claim by a business that has not filed all required forms, such as W2s and withholding returns, will not be considered filed in a timely manner and will not be eligible for payment. 32 V.S.A. § 5930b(c)(9).

Sec. 19. VEGI reporting

Amends the VEGI reporting provisions to more accurately reflect the data that the Vermont economic progress council and the department of taxes currently collect and allows additional time for reporting. 32 V.S.A. § 5930b(c).

Sec. 20. VEGI sunset extension

Extends sunset for VEGI program from July 1, 2012 to July 1, 2017. Session law.

Sec. 21. Affordable housing tax credit

Lifts the cap for tax credits awarded for owner-occupied units by \$200,000.00 a year, and lifts the total cap of allowed credits by \$1 million.

Sec. 21a. Use of credits

Adds language demonstrating an intent to use the increased affordable housing tax credit for housing that meets efficiency standards.

Sec. 22. Downtown tax credit

Creates a 10-percent tax credit within downtown tax credit program for expenditures related to damage from a federally declared disaster in Vermont in 2011. 32 V.S.A. § 5930bb.

Sec. 23. Downtown tax credit limit

Increases limit for tax credits for fiscal year 2013 to accommodate new disaster-related credits.

Sec. 24. Low income housing exemption

Adds fee interests to the types of low income housing transactions exempted from the property transfer tax.

Property tax adjustment and renter rebate provisions

Sec. 25. Annual filing of homestead declarations

Requires homestead declarations to be filed annually. 32 V.S.A. § 5410(b).

Sec. 25a. Transition to annual filing

Requires commissioner of taxes to publicize annual filings and to use statutory powers to forgive late filings for 2013.

Sec. 26. Definition of household income

Excludes payments made into health saving accounts from the definition of household income. 32 V.S.A. § 6061.

Secs. 27, 28, and 29. Final dates for property tax adjustment and renter rebate claims

Final date for filing property tax adjustment claims and renter rebate claims moved from September 1 to October 15. Makes explicit that renter rebate claims are due at the same time as property tax adjustment claims, which is currently the same time as Vermont income tax returns are due. 32 V.S.A. §§ 6066a, 6068, and 6074.

Sec. 30. Limitation on renter rebates

Provides a \$3,000.00 cap for renter rebate claims. 32 V.S.A. § 6067.

Sec. 31. Property tax adjustment and household income sunsets

Eliminates the sunset on the \$500,000.00 housesite cap. Maintains the January 1, 2013 sunset on the double counting of interest and dividend income.

Sec. 31a. Household income

Provides for double counting of interest and dividend income over \$10,000.00 for claimants under age 65 as of January 1, 2013 for the purposes of calculating household income.

Sec. 32. Landlord certificates

Requires the department of taxes to report back to the senate committee on finance and house committee on ways and means on how to implement an electronic system of filing landlord certificates. Session law.

Property tax provisions

Sec. 33. Taxation of common interest communities

Establishes rules for allocating taxes when a common interest community straddles more than one town. 27A V.S.A. § 1-105.

Sec. 34. Elimination of copyrights

Eliminates state's copyright protection for orthophotographic products and allows the products to be freely copied and exchanged. 32 V.S.A. § 3409.

Secs. 35 and 36. Gores, unorganized towns, and unified towns and gores of Essex County

Changes correct statutory references to reflect difference between gores, unorganized towns, and the unified towns and gores of Essex County.

Sec. 37. Spending adjustments for tuition-only towns

Creates a two-year average for spending adjustments in tuition-only towns that a town can choose to opt into. 32 V.S.A. § 5401(13).

Sec. 38. Property tax rates

Sets the base rate for nonresidential properties at \$1.38 per \$100.00 of assessed value and the base rate for homestead properties at \$0.89 per \$100.00 of assessed value. For fiscal year 2013 only.

Sec. 39. Education base amount

Sets the education base amount at \$8,723.00 for fiscal year 2013 only.

Sec. 40. Dollar equivalent

Requires the commissioner of taxes to include, for illustration purposes, how much spending a tax rate of \$1.00 could support.

Wastewater permit provisions

Secs. 41–44. Wastewater permits

Allows the commissioner of forests, parks and recreation to certify in certain circumstances that a wastewater permit constitutes development triggering the land use change tax. Repeals provision with two-year look back for wastewater permits and repeals requirement that the department of taxes track wastewater permits.

Current use provisions

Sec. 45. Land use change tax

Clarifies that cutting contrary to the forest management plan during the term of the plan is development that triggers a land use change tax even if the land is no longer enrolled. If the term of the plan has expired, cutting contrary to minimum acceptable standards for forest management constitutes development. 32 V.S.A. § 3752(5).

Sec. 46. Current use advisory board reference correction

Removes the University of Vermont member of current use advisory board. 32 V.S.A. § 3753.

Sec. 47. Forest management plan due dates

Clarifies that, after the initial plan is filed, subsequent ten-year forest management plans are due on April 1. 32 V.S.A. § 3755.

Sales and use tax provisions

Sec. 48. Local option tax opt-out

Creates a process for a town with a local option tax to discontinue that tax. 24 V.S.A. § 138.

Sec. 49. Auctioneers

Amends auctioneer exemption to make it explicit that the exemption is only for auctioned property that was obtained by the owner for his or her own use, and not for commercial purposes. 32 V.S.A. § 9741(48).

Sec. 50. Specified digital products

Clarifies that imposition of sales tax on specified digital products conforms to language in Streamlined Sales Tax Agreement. 32 V.S.A. § 9771.

Sec. 51. Sales tax appeals

Amends sales and use tax appeal statute to provide that appeal is to the superior court of the county in which the taxpayer resides or has a place of business. 32 V.S.A. § 9817(a).

Sec. 52. Taxation of cloud computing

Imposes a moratorium on the imposition of the sales and use tax on remotely accessed prewritten software from December 31, 2006 to July 1, 2013. Provides refunds for those who paid the tax during that period.

Sec. 53. Sales tax study committee

Establishes a study committee to address sales tax issues in a changing economy.

Sec. 53a. Enhancing Vermont's technology economy study committee

Establishes a study committee to examine ways to enhance Vermont's technology economy.

Sec. 54. Dental items

Provides a sales tax exemption for toothbrushes, floss, and other items given to patients by dentists and hygienists.

Sec. 54a. Secondary packaging

Exempts from the sales tax secondary packaging equipment used in an integrated process.

Sec. 55. Tax rebates for mobile homes

Exempts from sales and use tax, local option taxes, and property transfer taxes the sale of a mobile home used to replace a mobile home damaged by a federal disaster in Vermont in 2011.

Secs. 56 and 56a. Sale tax allocation

Allocates 35 percent of sales tax revenue to the education fund, instead of current 33.3 percent, and allocates 65 percent of sales tax revenue to the general fund, instead of current 66.6 percent.

Electrical generating tax provisions**Sec. 57. Repeal**

Repeals the property generating tax at 32 V.S.A. § 5402a.

Sec. 58. Electrical generating tax

Replaces the current rate structure with a flat generation rate of \$0.0025 per kilowatt hour. Places the tax on the most recent quarter of generation rather than the current three-year rolling average. 32 V.S.A. § 8661.

Meals and rooms tax provisions**Sec. 59. Rooms tax – independent living facility**

Updates the rooms tax language to specify the types of homes that are exempt from the rooms tax. 32 V.S.A. § 9202.

Sec. 60. Meals tax – independent living facility

Updates the meals tax language to specify the types of facilities that are exempt from the meals tax. 32 V.S.A. § 9202.

Sec. 61. Independent living facility

Creates a new definition for an independent living facility. 32 V.S.A. § 9202.

Sec. 62. Premiums payment

Increases the payment due from insurance companies who write policies in Vermont by \$150,000.00 for the fire safety special fund and the emergency medical services special fund.

Sec. 63. Effective dates

Multiple effective dates, beginning retroactively on May 24, 2011

Act No. 161 (H.769). Taxation and fees**An act relating to department of environmental conservation fees**

This act adjusts department of environmental conservation fees by increasing fees for air contaminant source permits; storm water application discharge permits; potable water supply and wastewater permits; well drill licenses; solid waste disposal permits; public water supply and bottled water permits; public water system operator certifications; hazardous waste hauler permits; hazardous waste generator registrations; wetland authorization permits; air contaminant registrations; and petroleum tank permits. The act changes the fee for extracting earth resources from \$0.20 per cubic yard of the maximum estimated annual extraction to a fee of \$0.02 per cubic yard on the first million cubic yards to be extracted over the life of the extraction permit and a fee of \$0.01 per cubic yard of additional extraction above one million cubic yards. The act requires that Vermont web portal fees be entered into the annual fee report. It allows the agency of natural resources to require a permittee to pay for the agency's costs in processing the permit if the agency does not have the capacity to process the permit effectively. The act sets up guidelines for making loans for the repair of potable water supply and wastewater systems. Finally, the act gives the legislative council the authority to reformat the department of environmental conservation fees in the Vermont Statutes Annotated.

Effective Date: July 1, 2012

Also see: Education; Act No. 156 (S.113); An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools

Also see: Municipal Government; Act No. 70 (H.515); An act relating to holding public agencies harmless for disclosure of property tax adjustment information

Also see: Municipal Government; Act No. 81 (H.378); An act relating to town payments of county taxes

Also see: Transportation; Act No. 153 (H.770); An act relating to the state's transportation program

Tobacco Products

Act No. 166 (H.747). Tobacco products

An act relating to cigarette manufacturers

This act prohibits the sale of tobacco substitutes or tobacco paraphernalia, including electronic cigarettes, to persons younger than 18 years of age. Tobacco substitutes are to be displayed and stored in the same manner as tobacco products. Little cigars that weigh not more than three pounds per 1,000 units now can only be sold in packs of 20 or more. The act creates new retailer signage. The secretary of state is designated as the agent for service of process for importers of nonparticipating tobacco product manufacturers located outside the United States, who now have joint and several liability with such manufacturers. The act prohibits the possession of cigarette rolling machines for commercial purposes. Finally, the act requires the secretary of agriculture, food and markets to develop rules for growing industrial hemp.

Effective Date: May 16, 2012

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

Transportation

Act No. 123 (H.272). Private roads; maintenance

An act relating to maintenance of private roads

This act provides that in the absence of an express agreement or requirement governing maintenance of a private road, when more than one person enjoys a common benefit from a private road, each person must contribute ratably to the cost of maintaining the road, and has the right to bring a civil action to enforce the requirement.

Effective Date: July 1, 2012

Act No. 126 (H.523). Highways; condemnation

An act relating to revising the state highway condemnation law

This act rewrites the law governing condemnation proceedings for state highway projects found in 19 V.S.A. chapter 5. Among the many changes to chapter 5 are the following:

(1) The agency of transportation (agency) is required to make every reasonable effort to acquire property by negotiation, to provide the property owner a detailed notice of procedures and rights, and to make the owner an offer of just compensation prior to filing a condemnation proceeding in superior court.

(2) The agency is required to file a complaint in superior court if the issue of the legality of the taking is contested, but need not file an action if the owner has stipulated to the legality of the taking. If a complaint is filed, a final hearing on the contested issues must be held within 90 days of the last answer due, absent a showing of good cause for a delay.

(3) The act creates a rebuttable presumption that the agency's determination of the public purpose of a project and the necessity for a project overall is correct, but provides for no deference to the agency on the issue of the necessity of taking particular property.

(4) The act allows the agency to obtain title to property after it obtains a favorable decision from the superior court or a stipulation from the property owner on the issue of the legality of the taking, tenders the owner the amount of the agency's offer of just compensation, and provides notice to the owner of these actions.

(5) The act changes the process for determining damages when the issue of compensation is contested. The property owner will have a choice of contesting damages by bringing an action either in superior court or before the transportation board if the amount in controversy is \$25,000.00 or less, whereas the property owner will be required to proceed in superior court if the amount in controversy exceeds \$25,000.00.

The act also makes a number of technical and conforming changes; includes a transition provision that clarifies how the act will apply to current and future state highway condemnation proceedings; requires the agency to file a report with the house and senate committees on judiciary and on transportation on the issue of waiver valuations, which are informal appraisals conducted by agency personnel when the agency determines that a property is of low fair market value; and requires the executive secretary of the transportation board to provide training to current and new members of the transportation board on topics related to the determination of damages in condemnation proceedings.

Multiple effective dates, beginning May 11, 2012

Act No. 153 (H.770). Transportation; paving; rail; public transit; bonds; positions; relinquishment; state aid for towns; sales and use tax; property acquisitions and transfers

An act relating to the state's transportation program

This act:

(1) Adopts the state's fiscal year 2013 transportation program appended to the agency of transportation's ("agency") fiscal year 2013 proposed budget, as amended by modifying spending authority in the program development, Vermont local roads, state aid for disasters, town highway structures, town highway aid, rail, and transportation buildings programs; adding projects to the state highway bridge and rail programs; and enlarging the scope of authorized activities for a project in the public transit program.

(2) Directs the secretary of transportation ("secretary") to study the feasibility and evaluate the costs and benefits of acquiring a portable hot mix plant.

(3) Adds the Rutland–Burlington Rail and Crossings project and the Circ Alternatives–Phase I Alternatives project to the fiscal year 2012 transportation program, and directs the secretary to review existing plans for the Waterbury Main Street project.

(4) Specifies that the secretary may anticipate receipts of federal funds into the transportation – rail program.

(5) Renames the VTrans Learning Campus project and program to be the VTrans Training Center project and program, and directs the secretary to continue to pursue the acquisition or construction of a facility suitable to satisfy the long-term objectives of the program.

(6) Grants the secretary authority to execute and file applications and grants with the Federal Transit Administration.

(7) Authorizes the issuance of up to \$11.5 million in transportation infrastructure bonds, the expenditure of \$9 million in bond proceeds on projects in the program development program, and the expenditure of \$1 million in bond proceeds on projects in the town highway bridge program.

(8) Authorizes the agency to establish 17 new limited service positions to terminate by June 30, 2014, and to establish six new permanent positions.

(9) Transfers \$1.12 million from the transportation fund to the central garage fund.

(10) Authorizes the secretary to enter into an agreement with the town of St. Albans to relinquish to the town's jurisdiction a 1.7-acre segment of state highway right-of-way.

(11) Requires the transportation enhancement grant committee to give preference to environmental mitigation projects for fiscal years 2013–2015.

(12) Amends the town highways structures program to add another category of eligible projects to the program: alternatives that eliminate the need for a bridge, culvert, or other structure.

(13) Creates a program for towns to receive state aid for federal disasters in order to assist towns that receive federal highway administration emergency relief assistance to satisfy local match requirements.

(14) For bridge replacement projects and bridge rehabilitation projects for which a federal/state/local or state/local funding match is authorized, reduces by one-half the match that a town must contribute, provided the town closes the bridge and does not erect a temporary bridge for the duration of the project.

(15) Repeals provisions related to the state infrastructure bank ("SIB") van pool program.

(16) Repeals six periodic transportation-related reports; eliminates July and September reports by the agency to the joint transportation oversight committee and adds a reporting requirement if projects are delayed due to a generalized increase in bids, downgrades in revenue forecasts, or changes in the availability of federal funds; eliminates a conservation plate report; repeals a duplicate public transit performance report; and preserves specified transportation-related reports.

(17) Makes technical corrections to replace "Interstate Commerce Commission" with "Surface Transportation Board" in two statutes.

(18) Eliminates the highway board from the list of entities which receive a copy of annual municipal reports.

(19) Directs the joint fiscal office, in consultation with the commissioner of public safety, to analyze and estimate highway safety-related state police costs, and to study how these state police costs could be apportioned between the general fund and the transportation fund.

(20) Directs the secretary of transportation, in consultation with the joint fiscal office, the commissioner of motor vehicles, the commissioner of taxes, and the commissioner of public service, to analyze options for user fees and fee collection mechanisms for motor vehicles that rely on energy sources not currently taxed so as to contribute to the transportation fund.

(21) Establishes a seven-member study committee to examine the trends of state transportation and transportation infrastructure bond (TIB) fund revenues, to estimate the gap between projected revenues and the cost of maintaining the state's existing transportation infrastructure, and to evaluate alternative and supplemental transportation revenue sources.

(22) Authorizes the agency to use \$12,000.00 of central garage funds to purchase Vermont Strong plates for agency vehicles.

(23) Provides that proceeds from the sales and use tax imposed on natural gas used to propel motor vehicles be allocated to the transportation fund, and exempts natural gas from the tax on the sales of gasoline and other motor fuels.

(24) Directs the agency to convene a regional public meeting to hear public concerns prior to a planned closure and detour of a state highway, and to consult concerned entities to develop mitigation strategies.

(25) Directs the agency to install plaques on bridge #30 on Vermont Route 30 in the town of Jamaica honoring Richard W. Hube Jr.

(26) Requires the agency to acquire or dispose of certain transportation-related property with an appraised or estimated value of \$500,000.00 or above only with the specific prior approval of the general assembly when it is in session, and of the joint transportation oversight committee when the general assembly is not in session.

Multiple effective dates, beginning on May 16, 2012

H.770 FY13 Transportation Program				
Line #	All funding sources	FY12 As Passed	FY 2013 Governor	FY13 Conference
1	Administration-finance-planning			
2	Central Admin & Finance	12,006,786	11,766,498	11,766,498
3	Policy & Planning	10,039,294	10,098,944	10,098,944
4	Transportation Board	87,000	83,000	83,000
5	Department of Motor Vehicles	25,412,693	25,728,361	25,728,361
6	Subtotal	47,545,773	47,676,803	47,676,803
7	Facilities			
8	Rest Areas	7,445,000	6,143,000	6,143,000
9	AOT Buildings	2,111,000	2,961,000	2,661,000
10	Subtotal	9,556,000	9,104,000	8,804,000
11	Alternate modes			

12	Public Transit	25,407,252	25,638,796	25,638,796
13	Aviation	7,743,984	6,180,297	6,180,297
14	Pedestrian & Bike Facilities	9,010,351	8,812,983	8,812,983
15	Park & Ride	3,005,792	3,812,000	3,812,000
16	Multi-Modal Facilities	275,000	1,650,000	1,650,000
17	Rail infrastructure	50,089,361	22,783,988	22,783,988
18	Amtrak	4,550,000	4,560,000	4,560,000
19	Subtotal	100,081,740	73,438,064	73,438,064
20	Highway Infrastructure			
21	Maintenance	67,266,792	69,401,991	69,401,991
22	Paving	77,133,647	104,794,411	104,794,411
23	Roadway	58,818,015	66,632,350	66,632,350
24	State bridges	52,148,169	48,995,099	48,995,099
25	Interstate bridges	35,731,673	53,712,463	53,712,463
26	Town bridges	17,711,776	20,846,405	20,846,405
27	Traffic Operations	11,563,022	12,985,238	12,985,238
28	PD Admin & Tech Services	15,047,578	15,500,000	15,500,000
29	Program Development generally	0	0	-42,692
30	Subtotal	335,420,672	392,867,957	392,867,957
31	Town programs			
32	TH Aid	24,982,744	26,482,744	25,982,744
33	TH Class 2	7,248,750	7,248,750	7,248,750
34	TH Structures	5,833,500	5,833,500	6,333,500
35	TH Class 1 supplemental grants	128,750	128,750	128,750
36	Enhancements	3,067,218	4,070,734	4,070,734
37	TH State aid nonfederal disasters	750,000	4,750,000	1,150,000
38	TH State aid federal disasters			3,600,000
39	FEMA grant program	200,000	66,500,000	66,500,000
40	TH VT Local Roads	390,000	375,000	400,000
41	Municipal mitigation grants	1,143,228	1,262,998	1,262,998
42	Subtotal	43,744,190	116,652,476	116,677,476
43	Total All Programs	536,348,375	639,739,300	639,421,608

Also see: Taxation and Fees; Act No. 143 (H.782); An act relating to miscellaneous tax changes for 2012

2012 Conversion Tables { TC “2012 Conversion Tables (Bill No. to Act No.)” \f C \l “2” }

Converts Senate Bill Nos. to Public Act Nos.

Bill No.	Act No.	Bill No.	Act. No.	Bill No.	Act No.
S.37.....	No. 131	S.148.....	No. 165	S.217.....	No. 146
S.89.....	No. 132	S.179.....	No. 118	S.222.....	No. 120
S.92.....	No. 68	S.180.....	No. 169	S.223.....	No. 158
S.95.....	No. 154	S.181.....	No. 101	S.226.....	No. 121
S.99.....	No. 137	S.183.....	No. 163	S.236.....	No. 122
S.106.....	No. 155	S.189.....	No. 145	S.237.....	No. 113
S.113.....	No. 156	S.199.....	No. 157	S.238.....	No. 95
S.115.....	No. 100	S.200.....	No. 150	S.244.....	No. 147
S.116.....	No. 144	S.202.....	No. 138	S.245.....	No. 151
S.122.....	No. 94	S.203.....	No. 119	S.249.....	No. 71
S.128.....	No. 105	S.209.....	No. 96	S.251.....	No. 164
S.129.....	No. 106	S.214.....	No. 170	S.252.....	No. 139
S.136.....	No. 133	S.215.....	No. 112		

Converts House Bill Nos. to Public Act Nos.

Bill No.	Act No.	Bill No.	Act. No.	Bill No.	Act No.
H.21.....	No. 84	H.503.....	No. 103	H.755.....	No. 76
H.37.....	No. 107	H.505.....	No. 72	H.758.....	No. 92
H.39.....	No. 80	H.506.....	No. 115	H.759.....	No. 160
H.53.....	No. 108	H.507.....	No. 69	H.760.....	No. 86
H.78.....	No. 124	H.512.....	No. 78	H.761.....	No. 128
H.157.....	No. 97	H.515.....	No. 70	H.765.....	No. 87
H.254.....	No. 109	H.523.....	No. 126	H.766.....	No. 149
H.258.....	No. 73	H.524.....	No. 116	H.768.....	No. 90
H.272.....	No. 123	H.535.....	No. 134	H.769.....	No. 161
H.327.....	No. 114	H.550.....	No. 89	H.770.....	No. 153
H.365.....	No. 77	H.556.....	No. 110	H.771.....	No. 129
H.378.....	No. 81	H.558.....	No. 75	H.773.....	No. 111
H.403.....	No. 102	H.559.....	No. 171	H.778.....	No. 168
H.412.....	No. 140	H.565.....	No. 85	H.780.....	No. 130
H.413.....	No. 141	H.577.....	No. 117	H.781.....	No. 162
H.440.....	No. 98	H.613.....	No. 88	H.782.....	No. 143
H.449.....	No. 82	H.627.....	No. 135	H.784.....	No. M-14
H.459.....	No. M-10	H.629.....	No. 74	H.785.....	No. 104
H.461.....	No. 67	H.630.....	No. 79	H.786.....	No. M-18
H.464.....	No. 152	H.634.....	No. 83	H.787.....	No. M-15
H.467.....	No. 99	H.679.....	No. 127	H.788.....	No. M-17
H.475.....	No. 125	H.699.....	No. 167	H.789.....	No. 93
H.484.....	No. M-11	H.730.....	No. 136	H.790.....	No. M-16
H.485.....	No. 148	H.747.....	No. 166	H.792.....	No. M-12
H.493.....	No. M-9	H.751.....	No. 159	H.793.....	No. M-13
H.496.....	No. 142	H.752.....	No. 91		

Part II – Bill Vetoed**Bill Summary****(H.290) (Vetoed). Human services; adult protective services****An act relating to adult protective services**

This bill would have required the commissioner of disabilities, aging, and independent living (DAIL) to provide monthly updates relating to the department's adult protective services activities during the preceding calendar month and for the calendar year to date. When the general assembly is in session, the bill would have required the commissioner to provide the information to the committees of jurisdiction; when the general assembly is not in session, it would have required the commissioner to provide the information to the chairs of the committees of jurisdiction, to the health access oversight committee, and to the office of legislative council. The monthly reporting would have begun September 15, 2012 and would have been due by the 15th day of each month through September 2014. In addition, beginning in September 2013, the bill would have required the commissioner to include in each monthly report all of the information for the same month of the preceding calendar year in order to allow for year-to-year comparison. The bill would have required the secretary of human services and the commissioner of DAIL to examine the accuracy and consistency of the August 2012 data and to submit a report by September 30, 2012 summarizing their findings regarding the data's accuracy and the extent to which the data were internally consistent.

The bill would have required the secretary of human services and the commissioner of DAIL to jointly issue a request for proposals to conduct an independent evaluation of the adult protective services provided by DAIL's division of licensing and protection. The issues that the evaluation would have examined include the effectiveness of the adult protective services provided, the division's responsiveness to complaints, the appropriateness of the division's level of investigation into complaints, the ability of vulnerable adults to access adult protective services, and best practices from other states that would improve the division's ability to protect vulnerable adults from abuse and exploitation. No later than March 1, 2013, the bill would have required the entity conducting the evaluation to provide an interim report to the committees of jurisdiction, with a final report due October 1, 2013. The bill also would have required the secretary and the commissioner to report to the chairs of the committees of jurisdiction and the health access oversight committee, upon request, regarding the status of the contract and the evaluation. The bill would have transferred funds within the agency of human services to implement the provisions of the act and would have repealed a 2005 requirement for an adult protective services annual report.

Vetoed by the Governor: May 15, 2012

Effective Date: Not applicable

Part III – Resolutions

Joint Resolutions

Use of the State House

Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House. No. R-285 (J.R.H.20)

Joint resolution authorizing 2012 Green Mountain Girls' State to conduct a civic education program at the State House. No. R-400 (J.R.H.30)

Sessions and Adjournment

Joint resolution relating to weekend adjournment. No. R-268 (J.R.S.36); No. R-270 (J.R.S.38); No. R-271 (J.R.S.39); No. R-299 (J.R.S.40); No. R-300 (J.R.S.43); No. R-315 (J.R.S. 44); No. R-329 (J.R.S.46); No. R-336 (J.R.S.48); No. R-380 (J.R.S.49); No. R-395 (J.R.S.51); No. R-407 (J.R.S.53); No. R-409 (J.R.S.55); No. R-439 (J.R.S.56); No. R-457 (J.R.S.57); No. R-475 (J.R.S.59);

Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor. No. R-266 (J.R.S.33)

Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor. No. R-267 (J.R.S.34)

Joint resolution relating to Town Meeting adjournment. No. R-269 (J.R.S.35)

Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation. No. R-301 (J.R.S.41)

Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012. No. R-302 (J.R.S.42)

Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate. No. R-381 (J.R.S.50)

Joint resolution relating to final adjournment of the General Assembly in 2012. No. R-503 (J.R.S.63)

Policy

Joint resolution supporting the establishment of the National Women’s History Museum in Washington, D.C. No. R-286 (J.R.H.21)

House concurrent resolution urging the restoration of intercity bus service to Rutland City. No. R-341 (H.C.R.255)

Joint resolution strongly supporting continuing and enhancing the mutually beneficial bilateral economic and trade relationship between the state of Vermont and Canada. No. R-367 (J.R.H.24)

Joint resolution commemorating Women’s History Month, the publication of the sixth edition of *The Legal Rights of Women in Vermont*, and reaffirming continuing support for equal rights for women. No. R-399 (J.R.H.29)

Joint resolution urging Congress to designate March 29 as Vietnam Veterans Day. No. R-401 (J.R.H.31)

Joint resolution relating to the issuance of a commemorative United States postage stamp in honor of former United States Senator George D. Aiken. No. R-408 (J.R.S.52)

Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans. No. R-440 (J.R.H.22)

Joint resolution relating to respectful language in the Vermont Statutes Annotated. No. R-456 (J.R.S.58)

Joint resolution urging the United States Congress to propose amendments to the United States Constitution for the states’ consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations. No. R-474 (J.R.S.11)

Joint resolution relating to federal agriculture policy. No. R-501 (J.R.S.62)

Joint resolution expressing concern over the *Reader’s Digest* portrayal of mental illness. No. R-504 (J.R.H.38)

Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc. No. R-531 (J.R.S.54)

Joint resolution authorizing the state of Vermont to accept a reprint of an engraving of Thaddeus Stevens for the state house art collection. No. R-532 (J.R.H.33)

Concurrent Resolutions

Memorials

House concurrent resolution in memory of the former Dean of the House Representative John Francis Murphy of Ludlow. No. R-273 (H.C.R.205)

House concurrent resolution in memory of former Speaker of the House and Vermont statesman Richard Walker Mallary of Brookfield. No. R-276 (H.C.R.208)

House concurrent resolution in memory of former Representative Mark Mitchell of Barnard. No. R-279 (H.C.R.211)

Senate concurrent resolution in memory of former Representative John H. Downs. No. R-292 (S.C.R.27)

House concurrent resolution in memory of former Representative Rene L. Blanchard of Essex. No. R-307 (H.C.R.229)

Senate concurrent resolution in memory of former Representative Alice Cook Bassett. No. R-316 (S.C.R.34)

Senate concurrent resolution in memory of Arthur Rush Hogan Jr. of Burlington. No. R-317 (S.C.R.35)

Senate concurrent resolution in memory of Rutland Regional Planning Commission Executive Director Mark Blucher. No. R-318 (S.C.R.36)

House concurrent resolution in memory of Dr. Philip Harold Dunham of Brattleboro. No. R-322 (H.C.R.247)

House concurrent resolution in memory of former Vermont State Poet Ruth Stone of Goshen. No. R-339 (H.C.R.233)

House concurrent resolution in memory of Garry Chalmers Simpson, a master of the cinematic, performing, and television arts. No. R-344 (H.C.R.274)

House concurrent resolution in memory of Michael J. Garofano and Michael G. Garofano. No. R-346 (H.C.R.261)

House concurrent resolution in memory of former Representative Kermit Welch Richardson of Orange. No. R-347 (H.C.R.262)

House concurrent resolution in memory of Stephen Eddy of Rutland. No. R-348 (H.C.R.263)

House concurrent resolution in memory of Sister Elizabeth Candon, RSM (Sr. Mary Patrick).
No. R-349 (H.C.R.264)

House concurrent resolution in memory of Frederick M. Faeth, Jr. No. R-356 (H.C.R.271)

House concurrent resolution in memory of former Representative Harvey B. Otterman Jr. of
Topsham. No. R-358 (H.C.R.283)

House concurrent resolution in memory of former Representative Carl H. Reidel of
Ferrisburg. No. R-371 (H.C.R.275)

House concurrent resolution in memory of former East Montpelier Town Clerk and Treasurer
Sylvia Tosi. No. R-373 (H.C.R.277)

House concurrent resolution in memory of Alan D. Overton. No. R-403 (H.C.R.309)

House concurrent resolution in memory of former Representative Gloria Ann Conant of
Richmond. No. R-411 (H.C.R.320)

House concurrent resolution in memory of United States Marine Corporal Ian M. Muller of
Danville. No. R-417 (H.C.R.217)

House concurrent resolution in memory of former Representative Mary Shelby Paull.
No. R-420 (H.C.R.302)

House concurrent resolution in memory of Allyn Seward of East Wallingford. No. R-464
(H.C.R.357)

House concurrent resolution in memory of Vermont archivist, historian, and librarian Esther
Munroe Swift. No. R-478 (H.C.R.351)

House concurrent resolution in memory of former Representative Susan Webb. No. R-482
(H.C.R.372)

House concurrent resolution in memory of Donald E. Prouty, Jr., of Pownal. No. R-484
(H.C.R.371)

House concurrent resolution in memory of former Woodbury town clerk and moderator
Morris P. Lilley. No. R-497 (H.C.R.387)

House concurrent resolution in memory of St. Michael's college alumni Michael and Jill
Casey. No. R-499 (H.C.R.389)

House concurrent resolution in memory of Melinda Bussino. No. R-505 (H.C.R.325)

House concurrent resolution in memory of Addison County Sheriff James Coons. No. R-511 (H.C.R.395)

House concurrent resolution in memory of Anne O. Burke. No. R-523 (H.C.R.407)

House concurrent resolution in memory of Edith Hunter of Weathersfield. No. R-525 (H.C.R.409)

House concurrent resolution remembering the life of U.S. Army Major Jonathan Kirk Weaver. No. R-534 (H.C.R.368)

Commemorations and Sentiments

House concurrent resolution congratulating the 2011 Peoples Academy Wolves Division III championship girls' soccer team. No. R-274 (H.C.R.206)

House concurrent resolution congratulating the 2011 Peoples Academy Division III championship boys' soccer team. No. R-275 (H.C.R.207)

House concurrent resolution honoring Kathy Boyden for her 40 years of exemplary public service in the town of Williston. No. R-277 (H.C.R. 209)

House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks' second consecutive New England championship girls' cross-country team. No. R-278 (H.C.R.210)

House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division III field hockey team. No. R-280 (H.C.R.212)

House concurrent resolution congratulating the 2011 Missisquoi Valley Union High School Division II championship baseball team. No. R-281 (H.C.R.213)

House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division I championship field hockey team. No. R-282 (H.C.R.214)

Senate concurrent resolution honoring the historic preservation efforts of the Northfield Historical Cemetery Project. No. R-283 (S.C.R.25)

House concurrent resolution congratulating Bruce Garrow on being named the 2011 Henry Giauque Vermont Elementary Principal of the Year. No. R-287 (H.C.R.219)

House concurrent resolution congratulating the 2011 Milton High School Yellowjackets Division II girls' soccer championship team. No. R-288 (H.C.R.221)

House concurrent resolution congratulating Ann Thompson of Cavendish on her winning a Presidential Award for Excellence in Mathematics and Science Teaching. No. R-289 (H.C.R.223)

Senate concurrent resolution celebrating the centennial anniversary of Montpelier City Hall. No. R-293 (S.C.R.28)

Senate concurrent resolution congratulating the 2011 Johnson State College national Division IV championship women's rugby team. No. R-294 (S.C.R.29)

Senate concurrent resolution honoring Dr. Frank G. Miglorie for his 41 years of service to and outstanding 28-year tenure as President of the College of St. Joseph. No. R-296 (S.C.R.31)

Senate concurrent resolution honoring the public service work of Brattleboro radio station WTSA during Tropical Storm Irene. No. R-297 (S.C.R.32)

Senate concurrent resolution congratulating Rick Cochran of Walden on being named the Vermont and National Small Business Person of the Year. No. R-298 (S.C.R.33)

House concurrent resolution honoring the Franklin County Industrial Development Corporation on its 40th anniversary. No. R-303 (H.C.R.215)

House concurrent resolution congratulating the 2011 Hartford High School Hurricanes Division I championship football team. No. R-304 (H.C.R.218)

House concurrent resolution honoring Vermont Public Radio's Vermont Edition for its extraordinary community service in the aftermath of Tropical Storm Irene. No. R-305 (H.C.R.224)

House concurrent resolution congratulating Edward Webbley on his selection as the 2011 Vermont Principals' Association's Robert F. Pierce Vermont Secondary Principal of the Year. No. R-306 (H.C.R.226)

House concurrent resolution expressing sympathy and good wishes to Lieutenant Governor Phil Scott on the fire that severely damaged DuBois Construction Inc. No. R-308 (H.C.R.231)

House concurrent resolution honoring House Calendar Clerk Jean Jasman. No. R-309 (H.C.R.232)

House concurrent resolution honoring Jan Sotirakis of Pittsford for her extraordinary public service following Tropical Storm Irene. No. R-310 (H.C.R.235)

House concurrent resolution thanking Neale Lunderville for his leadership of Vermont's post-Irene recovery effort. No. R-311 (H.C.R.236)

House concurrent resolution wishing a very happy and joyous 90th birthday to the member from Burlington, Representative William Aswad. No. R-312 (H.C.R.239)

House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus. No. R-314 (H.C.R.253)

House concurrent resolution congratulating the 2011 Woodstock Union High School Wasps Division III championship football team. No. R-319 (H.C.R.225)

House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders boys' and girls' cross-country teams on winning their respective Division II state championships. No. R-320 (H.C.R.241)

House concurrent resolution congratulating the 2011 Harwood Union High School Highlanders Division II field hockey team. No. R-321 (H.C.R.242)

House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship girls' soccer team. No. R-323 (H.C.R.248)

House concurrent resolution congratulating the outstanding Vermont high school women runners who participated in the 2011 Nike Cross Nationals competition. No. R-324 (H.C.R.249)

House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship boys' soccer team. No. R-325 (H.C.R.251)

House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team. No. R-326 (H.C.R.254)

House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system. No. R-327 (H.C.R.256)

Joint resolution expressing sincere appreciation to Margaret Lucenti for her dedicated public service. No. R-328 (J.R.S.45)

House concurrent resolution honoring outstanding recently retired employees of the Northfield public school system. No. R-330 (H.C.R.228)

House concurrent resolution congratulating the 2011 recipients of the Vermont Truck & Bus Association Master Truck Driver certification. No. R-331 (H.C.R.230)

House concurrent resolution congratulating Barbara Brody on winning a national Teacher of the Year Award for Dedication and Excellence as a Driver Educator. No. R-332 (H.C.R.240)

House concurrent resolution congratulating *The Vermont Cynic* on winning a 2011 Pacemaker Award for excellence in college journalism. No. R-333 (H.C.R.246)

House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th anniversary. No. R-335 (H.C.R.259)

Senate concurrent resolution honoring the military valor of United States Army Staff Sgt. Dylan J. Maynard. No. R-337 (S.C.R.37)

Senate concurrent resolution honoring the six fire chiefs past and present who have given over 280 years of combined service to the Marshfield Volunteer Fire Department. No. R-338 (S.C.R.38)

House concurrent resolution congratulating the 2011 Champlain Valley Union High School Redhawks Division I championship girls' soccer team. No. R-340 (H.C.R.234)

House concurrent resolution congratulating Harriette B. Lerrigo-Leidich of North Bennington on her 100th birthday. No. R-342 (H.C.R.272)

House concurrent resolution honoring the 2011 class of Vermont Boy Scouts awarded the rank of Eagle. No. R-345 (H.C.R.260)

House concurrent resolution congratulating Tong Chen as Vermont's 2012 Teacher of the Year. No. R-350 (H.C.R.265)

House concurrent resolution proudly commemorating the centennial anniversary of the University of Vermont Extension. No. R-351 (H.C.R.266)

House concurrent resolution congratulating Keegan Bradley on winning the 2011 PGA Championship and the 2011 PGA Grand Slam, and being named the 2011 PGA Tour Rookie of the Year. No. R-352 (H.C.R.267)

House concurrent resolution honoring Swanton town administrator Richard Thompson. No. R-353 (H.C.R.268)

House concurrent resolution congratulating the Mount Ascutney Hospital and Health Center on winning the 2011 Foster G. McGaw Prize for Excellence in Community Service. No. R-355 (H.C.R.270)

House concurrent resolution commemorating the 250th anniversary of the town of Bristol. No. R-357 (H.C.R.280)

House concurrent resolution honoring Orange clerk-treasurer Rita Bisson for her outstanding 33 years of public service. No. R-359 (H.C.R.284)

House concurrent resolution commemorating the 250th anniversary of the incorporation of the Essex County towns of Averill, Bloomfield, Lemington, and Lewis. No. R-360 (H.C.R.285)

House concurrent resolution honoring Big Heavy World and its volunteer staff for its significant 15-year contribution to music and the creative economy in Vermont. No. R-361 (H.C.R.286)

House concurrent resolution commemorating the 250th charter anniversary of the town of Shaftsbury. No. R-362 (H.C.R.287)

House concurrent resolution commemorating the 250th anniversary of the town of Charlotte. No. R-363 (H.C.R.288)

House concurrent resolution commemorating the 250th anniversary of the town of Ferrisburgh. No. R-364 (H.C.R.289)

House concurrent resolution commemorating the 250th anniversary of the chartering of the town of Monkton. No. R-365 (H.C.R.290)

House concurrent resolution honoring Addison town clerk Jane Grace for her exemplary 40 years of public service. No. R-366 (H.C.R.291)

House concurrent resolution congratulating Grafton Elementary School students on winning a Governor's Award for Environmental Excellence. No. R-368 (H.C.R.222)

House concurrent resolution honoring the heroic radio coverage and community service of WDEV radio during Tropical Storm Irene and congratulating the broadcaster on its 80th anniversary. No. R-369 (H.C.R.245)

House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states. No. R-370 (H.C.R.257)

House concurrent resolution commemorating the 250th anniversary of the town of Hinesburg. No. R-372 (H.C.R.276)

House concurrent resolution commemorating the 30th anniversary of the Vietnam Veterans Memorial, "The Wall," in Washington, D.C. and all Vietnam War Veterans. No. R-374 (H.C.R.278)

House concurrent resolution commemorating the 30th anniversary of the Vermont Vietnam Veterans Memorial and all Vietnam War Veterans. No. R-375 (H.C.R.279)

House concurrent resolution honoring radio station WBTN-AM in Bennington for its public service broadcasting during Tropical Storm Irene. No. R-376 (H.C.R.281)

House concurrent resolution expressing solidarity with the people of Japan on the first anniversary of the 2011 triple disaster. No. R-377 (H.C.R.282)

Senate concurrent resolution honoring former Representative and Senator Robert T. Gannett on his 95th birthday. No. R-378 (S.C.R.39)

Senate concurrent resolution congratulating Ross Connelly and Thomas F. Kearney on their induction into the New England Newspaper Hall of Fame. No. R-379 (S.C.R.40)

House concurrent resolution honoring Barbara Brayton for her laudable leadership of the Northfield Senior Center. No. R-382 (H.C.R.216)

House concurrent resolution honoring James T. Day for his outstanding four-decade career in public education. No. R-383 (H.C.R.238)

House concurrent resolution honoring Montpelier city clerk and treasurer Charlotte Hoyt for her outstanding public service. No. R-385 (H.C.R.293)

House concurrent resolution honoring and thanking the individuals, institutions, and organizations who lent their assistance so generously during and after Tropical Storm Irene. No. R-386 (H.C.R.294)

House concurrent resolution congratulating Emery Tillman of Cornwall on her kayaking accomplishments. No. R-387 (H.C.R.295)

House concurrent resolution honoring Elizabeth Benedict for her lifelong commitment to educational excellence. No. R-388 (H.C.R.296)

House concurrent resolution honoring Belinda H. Clegg for her outstanding public service to the town of Wolcott. No. R-389 (H.C.R.297)

House concurrent resolution congratulating Marlboro College on its 65th anniversary. No. R-390 (H.C.R.298)

House concurrent resolution honoring Brattleboro radio station WKVT AM/FM for its outstanding Tropical Storm Irene community support effort. No. R-392 (H.C.R.300)

House concurrent resolution honoring the outstanding efforts of those who care for, educate, and advocate for our young children in Vermont. No. R-393 (H.C.R.301)

House concurrent resolution congratulating the Middlebury Union High School Tigers' 2012 Division II girls' championship Nordic skiing team. No. R-394 (H.C.R.303)

House concurrent resolution honoring the federal TRIO programs in Vermont. No. R-397 (H.C.R.317)

House concurrent resolution congratulating Vermont Railway on its selection as the 2012 Shortline Railroad of the Year. No. R-398 (H.C.R.318)

House concurrent resolution congratulating the Williamstown High School Blue Devils 2012 Division III championship boys' basketball team. No. R-402 (H.C.R.306)

House concurrent resolution congratulating the U-32 Raiders 2012 Lake Division championship boys' ice hockey team. No. R-404 (H.C.R.311)

House concurrent resolution honoring Alice Hafner of Danville for her outstanding public service on behalf of the Vermont criminal justice system. No. R-405 (H.C.R.312)

House concurrent resolution congratulating Middlebury Union Middle School students Ronan Howlett and Meigan Clark on their success at the 2012 Vermont Spelling Bee. No. R-406 (H.C.R.313)

House concurrent resolution congratulating the University of Vermont 2012 NCAA championship skiing team. No. R-410 (H.C.R.319)

House concurrent resolution congratulating Julie Frost on winning the 2012 Golden Globe Award for Best Original song. No. R-412 (H.C.R.321)

House concurrent resolution congratulating the 2012 South Burlington High School Rebels championship girls' indoor track and field team. No. R-413 (H.C.R.322)

House concurrent resolution honoring the St. Albans Town municipal public works department employees for their exemplary public service during the spring 2011 Lake Champlain flooding. No. R-414 (H.C.R.323)

Senate concurrent resolution honoring Richard Strong for his more than half-century of municipal public service in the village of Ludlow. No. R-415 (S.C.R.41)

Senate concurrent resolution congratulating Lyndon Rescue, Inc. on its 40th anniversary. No. R-416 (S.C.R.42)

House concurrent resolution congratulating the 2011 Fair Haven Union High School Slaters Division II championship football team. No. R-418 (H.C.R.220)

House concurrent resolution congratulating Stratton Mountain Ski Resort on its golden anniversary. No. R-419 (H.C.R.237)

House concurrent resolution congratulating the Essex High School Hornets 2012 Division I championship girls' ice hockey team. No. R-421 (H.C.R.305)

House concurrent resolution congratulating Sophia Hadeka of Fair Haven on being named Miss Vermont's Outstanding Teen 2011. No. R-422 (H.C.R.307)

House concurrent resolution congratulating the Essex High School Hornets on winning the 2012 state gymnastics championship. No. R-423 (H.C.R.308)

House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I championship boys' basketball team. No. R-424 (H.C.R.314)

House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I championship boys' Nordic skiing team. No. R-425 (H.C.R.315)

House concurrent resolution congratulating the Mt. Mansfield Union High School Cougars 2012 Division I girls' alpine state championship team. No. R-426 (H.C.R.316)

House concurrent resolution congratulating Silas Chickering-Ayers of East Montpelier on winning his first Freeskiing World Tour victory at the North American Championships at Snowbird's Northwest Baldy in Utah. No. R-427 (H.C.R.324)

House concurrent resolution congratulating the 2011–2012 Middlebury College skiing team on its outstanding season. No. R-428 (H.C.R.326)

House concurrent resolution congratulating the 2012 University of Vermont America East championship men's basketball team. No. R-429 (H.C.R.327)

House concurrent resolution congratulating the Oxbow Union High School Olympians 2012 Division III championship girls' basketball team. No. R-430 (H.C.R.328)

House concurrent resolution honoring Diana Pfenning for her outstanding leadership of the Tapestry Program of Rutland County. No. R-431 (H.C.R.329)

House concurrent resolution congratulating the 2012 Mount St. Joseph Academy Mounties Division II championship boys' basketball team. No. R-432 (H.C.R.330)

House concurrent resolution congratulating Kevin Wang on winning a 2012 Siemens Award for Advanced Placement excellence in science and mathematics. No. R-433 (H.C.R.331)

House concurrent resolution congratulating the Hartford High School Hurricanes 2012 Division II championship girls' basketball team. No. R-434 (H.C.R.332)

House concurrent resolution joyfully extending birthday wishes to the grande dame of Montpelier, Lola Aiken, who turns 100 on June 24, 2012. No. R-435 (H.C.R.333)

House concurrent resolution congratulating the 2012 Proctor High School Phantoms Division IV championship girls' basketball team. No. R-437 (H.C.R.335)

House concurrent resolution congratulating the Rice Memorial High School 2012 Division I championship girls' basketball team. No. R-438 (H.C.R.336)

House concurrent resolution congratulating the 2012 Essex High School Division I championship cheerleading team. No. R-441 (H.C.R.304)

House concurrent resolution congratulating the Twinfield Union School 2012 Division IV championship boys' basketball team. No. R-443 (H.C.R.338)

House concurrent resolution congratulating the 2011 Randolph Union High School Division III girls' cross country championship team. No. R-444 (H.C.R.339)

House concurrent resolution thanking the staff of the agency of natural resources, academic and scientific institutions, and community members who contributed to the development of the new Bedrock Geologic Map of Vermont. No. R-445 (H.C.R.340)

House concurrent resolution congratulating the St. Johnsbury Academy Hilltoppers on winning the 2012 boys' indoor state track and field championship. No. R-446 (H.C.R.341)

House concurrent resolution congratulating Xiangru Chen on winning a 2012 Siemens Award for excellence in science and mathematics. No. R-447 (H.C.R.342)

House concurrent resolution commemorating the 75th anniversary of the U.S. Fish and Wildlife Service's Wildlife & Sport Fish Restoration Program. No. R-448 (H.C.R.343)

House concurrent resolution congratulating Oxbow Union High School athletes A. J. Gillis and William Heathman on their victories at the 2012 state indoor track and field championship. No. R-449 (H.C.R.344)

House concurrent resolution celebrating the 20th anniversary of the enactment of Act 135, Vermont's sexual orientation antidiscrimination law, and the vital role played in its passage by Representative Ron Squires, Vermont's first openly gay state legislator. No. R-450 (H.C.R.345)

House concurrent resolution welcoming the visiting military delegation from Macedonia and commemorating the continuing partnership between the state of Vermont and Macedonia. No. R-451 (H.C.R.346)

House concurrent resolution congratulating the BFA-St. Albans Bobwhites 2012 Division I championship boys' ice hockey team. No. R-452 (H.C.R.347)

House concurrent resolution congratulating the winning teams at the fifth annual Jr. Iron Chef VT cooking competition. No. R-453 (H.C.R.348)

House concurrent resolution congratulating Patricia Howrigan Reynolds on being named the 2012 Vermont Mother of the Year. No. R-454 (H.C.R.350)

House concurrent resolution honoring Louis D. Lertola of South Burlington for his outstanding work in securing increased local property tax exemptions for disabled veterans. No. R-455 (H.C.R.352)

Senate concurrent resolution congratulating Robert Swartz on being named the 2012 Northeast Kingdom Chamber Citizen of the Year. No. R-459 (S.C.R.44)

Senate concurrent resolution congratulating the 2012 Vermont Prudential Spirit of Community Award winners. No. R-460 (S.C.R.45)

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks 2012 Division I championship girls' Nordic ski team. No. R-462 (H.C.R.355)

House concurrent resolution commemorating the 25th anniversary of the Rutland Open Door Mission at its Park Street location. No. R-463 (H.C.R.356)

House concurrent resolution congratulating Circus Smirkus on its 25th anniversary. No. R-465 (H.C.R.358)

House concurrent resolution congratulating Marita Johnson on being named the Springfield Regional Chamber of Commerce's 23rd Annual Citizen of the Year. No. R-466 (H.C.R.359)

House concurrent resolution honoring Brian Lowe for his volunteer ornithological protection activities. No. R-467 (H.C.R.360)

House concurrent resolution congratulating the Woodstock Union High School Wasps on winning their third consecutive Division II boys' Nordic skiing championship. No. R-468 (H.C.R.361)

House concurrent resolution honoring the educational and community leadership of Jerry Sullivan. No. R-469 (H.C.R.362)

House concurrent resolution honoring Andreas Lehner for his outstanding administrative leadership in public education. No. R-470 (H.C.R.364)

House concurrent resolution congratulating the South Burlington Dolphins on winning the 2011 Northern Vermont Youth Football League state championship. No. R-471 (H.C.R.365)

House concurrent resolution congratulating Blanche Lamore on her 100th birthday. No. R-473 (H.C.R.367)

House concurrent resolution honoring former Director of Retirement Policy & Outreach Cynthia Webster. No. R-476 (H.C.R.250)

House concurrent resolution congratulating Christopher Gish on winning the 2012 Vermont Geographic Bee. No. R-477 (H.C.R.349)

House concurrent resolution congratulating the Bromley Mountain Ski Resort and the Bromley Outing Club on celebrating their respective 75th and 60th anniversaries. No. R-479 (H.C.R.354)

House concurrent resolution congratulating Alfred L. Pinsonneault Jr. on 50 exemplary years of service with the Town of Bennington Rescue Squad, Inc. No. R-480 (H.C.R.363)

House concurrent resolution congratulating the Rochester School winners of the 2012 Vermont aviation art contest. No. R-481 (H.C.R.369)

House concurrent resolution commemorating the 40th anniversary of the Retired Senior Volunteer Program's establishment in Bennington County. No. R-485 (H.C.R.374)

House concurrent resolution congratulating the H.W. Putnam Hose Company # 3 of the Bennington Fire Department on its 125th anniversary. No. R-486 (H.C.R.375)

House concurrent resolution honoring Dr. William Pendlebury, cofounder of The Memory Center at Fletcher Allen Health Care. No. R-487 (H.C.R.376)

House concurrent resolution honoring the Reverend Kathy Wonson Eddy for her community leadership and spiritual guidance at Bethany Church and in the town of Randolph. No. R-488 (H.C.R.377)

House concurrent resolution congratulating the Pepin Granite Company, Inc. on its 50th anniversary. No. R-489 (H.C.R.378)

House concurrent resolution congratulating Vermont Energy Investment Corporation on its 25th anniversary. No. R-490 (H.C.R.379)

House concurrent resolution honoring former Representative William Keogh on his retirement from the Burlington City Council and its presidency. No. R-491 (H.C.R.380)

House concurrent resolution honoring fish and game warden Sergeant Daniel Swainbank for his career accomplishments. No. R-493 (H.C.R.383)

House concurrent resolution honoring Burlington Fletcher Free Library co-director Amber Collins. No. R-494 (H.C.R.384)

House concurrent resolution honoring retiring Vermont Law School President, Dean, and Professor of Law Geoffrey B. Shields and his wife, Genie. No. R-495 (H.C.R.385)

House concurrent resolution honoring and extending best wishes on future endeavors to each of the 2012 retiring faculty members of the Southwest Vermont Supervisory Union. No. R-496 (H.C.R.386)

House concurrent resolution honoring librarian and Chester community leader Cynthia Collins. No. R-498 (H.C.R.388)

House concurrent resolution honoring the 5th grade civics education initiative at Ferrisburgh Central School. No. R-500 (H.C.R.390)

Joint resolution honoring the competitive accomplishments and international educational outreach of the University of Vermont's Lawrence Debate Union. No. R-502 (J.R.S.64)

House concurrent resolution in appreciation of Representative Ken Atkins of Winooski for offering M&M's® chocolate candies at roll call votes. No. R-506 (H.C.R.382)

House concurrent resolution congratulating Milton Drama on winning its third consecutive invitation to the New England Drama Festival. No. R-507 (H.C.R.391)

House concurrent resolution honoring Audrey and William Keyes of Bridport for their exemplary community spirit. No. R-509 (H.C.R.393)

House concurrent resolution honoring William Paine of New Haven for his civic accomplishments. No. R-510 (H.C.R.394)

House concurrent resolution honoring John R. Stone Jr. on his 55th firefighting anniversary and for his outstanding community service in Bennington. No. R-512 (H.C.R.396)

House concurrent resolution honoring Kerry Clifford for her devotion to teaching young children. No. R-513 (H.C.R.397)

House concurrent resolution honoring Caroline and Hubert Daberer on their 90th birthdays and as the founders of Alpine Haven. No. R-514 (H.C.R.398)

House concurrent resolution commemorating the 85th anniversary of the landing in Springfield of Col. Charles A. Lindbergh in the Spirit of St. Louis. No. R-515 (H.C.R.399)

House concurrent resolution congratulating the Rutland Free Library on its 125th anniversary. No. R-516 (H.C.R.400)

House concurrent resolution congratulating Scott Santamore of Rutland on being the named the 2012 Boys & Girls Clubs of America Vermont Youth of the Year. No. R-517 (H.C.R.401)

House concurrent resolution congratulating the city of Burlington on being named a 2012 Tree City U.S.A. No. R-518 (H.C.R.402)

House concurrent resolution honoring Nathaniel Tripp as an outstanding protector of the Connecticut River and its watershed. No. R-519 (H.C.R.403)

House concurrent resolution honoring former Representative Michael Bernhardt for his record of outstanding public service to Vermont. No. R-520 (H.C.R.404)

House concurrent resolution honoring former Londonderry town clerk and treasurer James Twitchell for his outstanding civic and community service. No. R-521 (H.C.R.405)

House concurrent resolution honoring Walter Mandel as an outstanding community leader. No. R-522 (H.C.R.406)

House concurrent resolution honoring Thomas Cheney for his stellar service as aide to the speaker of the house of representatives. No. R-524 (H.C.R.408)

House concurrent resolution congratulating the Vermont Business Roundtable on its 25th anniversary. No. R-526 (H.C.R.410)

House concurrent resolution honoring Evelyn T. Howard on the conclusion of her tenure as superintendent of the Addison Northeast Supervisory Union. No. R-527 (H.C.R.411)

House concurrent resolution congratulating Craftsbury Academy boys' basketball coach Terrence Kelleher on being named the Vermont Basketball Coaches Association 2011–2012 Division IV coach of the year. No. R-528 (H.C.R.412)

House concurrent resolution honoring Marlene Velander for her dedicated public service in the house clerk's office. No. R-529 (H.C.R.3000+)

Senate concurrent resolution commemorating the centennial anniversary of the journey of the children from Lawrence, Massachusetts to Barre during the 1912 Bread and Roses Strike. No. R-530 (S.C.R.46)

House concurrent resolution congratulating Essex High School teacher Maria Ung on her receipt of a Milken Family Foundation National Education Award. No. R-533 (H.C.R.227)

Designations and Recognitions

House concurrent resolution recognizing January 4, 2012 as Homelessness Day at the State House. No. R-272 (H.C.R.204)

Senate concurrent resolution recognizing the dedicated public service and career accomplishments of retired Rutland City Police Chief Anthony Bossi. No. R-284 (S.C.R.26)

House concurrent resolution designating January 20, 2012 as Alzheimer's Awareness Day at the State House. No. R-290 (H.C.R.243)

House concurrent resolution designating nurse anesthetists week in Vermont. No. R-291 (H.C.R.244)

Senate concurrent resolution recognizing the contribution of Kenric A. Kite to the development of public access television in central Vermont. No. R-295 (S.C.R.30)

House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont. No. R-313 (H.C.R.252)

House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate. No. R-334 (H.C.R.258)

House concurrent resolution designating February 29, 2012 as Afterschool, Summer, and Expanded Learning Day at the State House. No. R-343 (H.C.R.273)

House concurrent resolution designating November 2012 as Chronic Obstructive Pulmonary Disease Awareness Month in Vermont. No. R-354 (H.C.R.269)

House concurrent resolution designating March 12–18 as multiple sclerosis week in Vermont. No. R-384 (H.C.R.292)

House concurrent resolution recognizing the outstanding health care services provided by Gifford Medical Center in Randolph. No. R-391 (H.C.R.299)

House concurrent resolution designating March 21 as Vermont Energy Independence Day.
No. R-396 (H.C.R.310)

House concurrent resolution recognizing Boseung Halliwell, PMHNP, for her efforts to improve the quality of health care delivery in Lamoille County. No. R-436 (H.C.R.334)

House concurrent resolution designating Wednesday, April 25, 2012, as National Walk@Lunch Day in Vermont. No. R-442 (H.C.R.337)

Senate concurrent resolution designating May 2012 as Lupus Awareness Month in Vermont.
No. R-458 (S.C.R.43)

House concurrent resolution designating May 6–12, 2012 as National Nurses Week in Vermont. No. R-461 (H.C.R.353)

House concurrent resolution designating April as the month of the military child in Vermont.
No. R-472 (H.C.R.366)

House concurrent resolution recognizing the efforts of Community Health Services of Lamoille Valley to create a seamless and more effective health care environment.
No. R-483 (H.C.R.370)

House concurrent resolution recognizing the ecological importance and scenic beauty of the Lowell Mountain Range. No. R-492 (H.C.R.381)

House concurrent resolution designating April 2012 as Fair Housing Month in Vermont.
No. R-508 (H.C.R.392)

House concurrent resolution designating May 2012 as Vermont Osteoporosis Awareness Month. No. R-535 (H.C.R.373)

Senate Resolutions

Senate resolution relating to meeting dates of the Senate. S.R.10

Senate resolution relating to the establishment of a committee on reapportionment. S.R.11

Senate resolution commemorating the 39th anniversary of Roe v Wade and reaffirming support for its fundamental holding and principles. S.R.13

Senate resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver. S.R.14

House Resolutions

House resolution declaring the inalienable right of all Vermonters to save and grow seeds. H.R.13

House resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver. H.R.15

House resolution commemorating the 39th anniversary of Roe v Wade and reaffirming support for its fundamental holding and principles. H.R.16

House resolution congratulating the Republic of China (Taiwan), President Ma Ying-jeou, and the 23 million Taiwanese people on their successful 2012 democratic elections and urging support for Taiwan's participation in various international organizations. H.R.17

House resolution encouraging the Vermont fish and wildlife board to amend the state administrative rules pertaining to fishing in order to authorize additional year-round fishing opportunities and the transporting of baitfish under designated circumstances. H.R.20

House resolution urging the U.S. Department of Health and Human Services to reconsider its lifetime deferral on blood donation from men who have sex with other men. H.R.21

2012 Conversion Tables { TC “2012 Conversion Tables (JRS/SCR No. or JRH/HCR No. to Res. No.)” }

Converts Joint and Concurrent Resolution Senate Nos. to Resolution Nos.

JRS/SCR No.	Res. No.	JRS/SCR No.	Res. No.	JRS/SCR No.	Res. No.
J.R.S.11.....	No. R-474	J.R.S.51.....	No. R-395	S.C.R.30.....	No. R-295
J.R.S.33.....	No. R-266	J.R.S.52.....	No. R-408	S.C.R.31.....	No. R-296
J.R.S.34.....	No. R-267	J.R.S.53.....	No. R-407	S.C.R.32.....	No. R-297
J.R.S.35.....	No. R-269	J.R.S.54.....	No. R-531	S.C.R.33.....	No. R-298
J.R.S.36.....	No. R-268	J.R.S.55.....	No. R-409	S.C.R.34.....	No. R-316
J.R.S.38.....	No. R-270	J.R.S.56.....	No. R-439	S.C.R.35.....	No. R-317
J.R.S.39.....	No. R-271	J.R.S.57.....	No. R-457	S.C.R.36.....	No. R-318
J.R.S.40.....	No. R-299	J.R.S.58.....	No. R-456	S.C.R.37.....	No. R-337
J.R.S.41.....	No. R-301	J.R.S.59.....	No. R-475	S.C.R.38.....	No. R-338
J.R.S.42.....	No. R-302	J.R.S.62.....	No. R-501	S.C.R.39.....	No. R-378
J.R.S.43.....	No. R-300	J.R.S.63.....	No. R-503	S.C.R.40.....	No. R-379
J.R.S.44.....	No. R-315	J.R.S.64.....	No. R-502	S.C.R.41.....	No. R-415
J.R.S.45.....	No. R-328	S.C.R.25.....	No. R-283	S.C.R.42.....	No. R-416
J.R.S.46.....	No. R-329	S.C.R.26.....	No. R-284	S.C.R.43.....	No. R-458
J.R.S.48.....	No. R-336	S.C.R.27.....	No. R-292	S.C.R.44.....	No. R-459
J.R.S.49.....	No. R-380	S.C.R.28.....	No. R-293	S.C.R.45.....	No. R-460
J.R.S.50.....	No. R-381	S.C.R.29.....	No. R-294	S.C.R.46.....	No. R-530

Converts Joint and Concurrent Resolution House Nos. to Resolution Nos.

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J.R.H.21.....	No. R-286			H.C.R.220.....	No. R-418
J.R.H.22.....	No. R-440			H.C.R.221.....	No. R-288
J.R.H.24.....	No. R-367			H.C.R.222.....	No. R-368
J.R.H.29.....	No. R-399			H.C.R.223.....	No. R-289
J.R.H.30.....	No. R-400			H.C.R.224.....	No. R-305
J.R.H.31.....	No. R-401			H.C.R.225.....	No. R-319
J.R.H.33.....	No. R-532			H.C.R.226.....	No. R-306
J.R.H.38.....	No. R-504			H.C.R.227.....	No. R-533
H.C.R.204.....	No. R-272			H.C.R.228.....	No. R-330
H.C.R.205.....	No. R-273			H.C.R.229.....	No. R-307
H.C.R.206.....	No. R-274			H.C.R.230.....	No. R-331
H.C.R.207.....	No. R-275			H.C.R.231.....	No. R-308
H.C.R.208.....	No. R-276			H.C.R.232.....	No. R-309
H.C.R.209.....	No. R-277			H.C.R.233.....	No. R-339
H.C.R.210.....	No. R-278			H.C.R.234.....	No. R-340
H.C.R.211.....	No. R-279			H.C.R.235.....	No. R-310
H.C.R.212.....	No. R-280			H.C.R.236.....	No. R-311
H.C.R.213.....	No. R-281			H.C.R.237.....	No. R-419
H.C.R.214.....	No. R-282			H.C.R.238.....	No. R-383
H.C.R.215.....	No. R-303			H.C.R.239.....	No. R-312
H.C.R.216.....	No. R-382			H.C.R.240.....	No. R-332
H.C.R.217.....	No. R-417			H.C.R.241.....	No. R-320

H.C.R.242No. R-321

H.C.R.243 No. R-290
H.C.R.244 No. R-291
H.C.R.245 No. R-369
H.C.R.246 No. R-333
H.C.R.247 No. R-322
H.C.R.248 No. R-323
H.C.R.249 No. R-324
H.C.R.250 No. R-476
H.C.R.251 No. R-325
H.C.R.252 No. R-313
H.C.R.253 No. R-314
H.C.R.254 No. R-326
H.C.R.255 No. R-341
H.C.R.256 No. R-327
H.C.R.257 No. R-370
H.C.R.258 No. R-334
H.C.R.259 No. R-335
H.C.R.260 No. R-345
H.C.R.261 No. R-346
H.C.R.262 No. R-347
H.C.R.263 No. R-348
H.C.R.264 No. R-349
H.C.R.265 No. R-350
H.C.R.266 No. R-351

Converts Joint and Concurrent Resolution House Nos. to Resolution Nos.

JRH/HCR No.	Res. No.	JRH/HCR No.	Res. No.	JRH/HCR No.	Res. No.
H.C.R.267	No. R-352	H.C.R.316	No. R-426	H.C.R.365	No. R-471
H.C.R.268	No. R-353	H.C.R.317	No. R-397	H.C.R.366	No. R-472
H.C.R.269	No. R-354	H.C.R.318	No. R-398	H.C.R.367	No. R-473
H.C.R.270	No. R-355	H.C.R.319	No. R-410	H.C.R.368	No. R-534
H.C.R.271	No. R-356	H.C.R.320	No. R-411	H.C.R.369	No. R-481
H.C.R.272	No. R-342	H.C.R.321	No. R-412	H.C.R.370	No. R-483
H.C.R.273	No. R-343	H.C.R.322	No. R-413	H.C.R.371	No. R-484
H.C.R.274	No. R-344	H.C.R.323	No. R-414	H.C.R.372	No. R-482
H.C.R.275	No. R-371	H.C.R.324	No. R-427	H.C.R.373	No-R-535
H.C.R.276	No. R-372	H.C.R.325	No. R-505	H.C.R.374	No. R-485
H.C.R.277	No. R-373	H.C.R.326	No. R-428	H.C.R.375	No. R-486
H.C.R.278	No. R-374	H.C.R.327	No. R-429	H.C.R.376	No. R-487
H.C.R.279	No. R-375	H.C.R.328	No. R-430	H.C.R.377	No. R-488
H.C.R.280	No. R-357	H.C.R.329	No. R-431	H.C.R.378	No. R-489
H.C.R.281	No. R-376	H.C.R.330	No. R-432	H.C.R.379	No. R-490
H.C.R.282	No. R-377	H.C.R.331	No. R-433	H.C.R.380	No. R-491
H.C.R.283	No. R-358	H.C.R.332	No. R-434	H.C.R.381	No. R-492
H.C.R.284	No. R-359	H.C.R.333	No. R-435	H.C.R.382	No. R-506
H.C.R.285	No. R-360	H.C.R.334	No. R-436	H.C.R.383	No. R-493
H.C.R.286	No. R-361	H.C.R.335	No. R-437	H.C.R.384	No. R-494
H.C.R.287	No. R-362	H.C.R.336	No. R-438	H.C.R.385	No. R-495
H.C.R.288	No. R-363	H.C.R.337	No. R-442	H.C.R.386	No. R-496
H.C.R.289	No. R-364	H.C.R.338	No. R-443	H.C.R.387	No. R-497
H.C.R.290	No. R-365	H.C.R.339	No. R-444	H.C.R.388	No. R-498
H.C.R.291	No. R-366	H.C.R.340	No. R-445	H.C.R.389	No. R-499
H.C.R.292	No. R-384	H.C.R.341	No. R-446	H.C.R.390	No. R-500
H.C.R.293	No. R-385	H.C.R.342	No. R-447	H.C.R.391	No. R-507
H.C.R.294	No. R-386	H.C.R.343	No. R-448	H.C.R.392	No. R-508
H.C.R.295	No. R-387	H.C.R.344	No. R-449	H.C.R.393	No. R-509
H.C.R.296	No. R-388	H.C.R.345	No. R-450	H.C.R.394	No. R-510
H.C.R.297	No. R-389	H.C.R.346	No. R-451	H.C.R.395	No. R-511
H.C.R.298	No. R-390	H.C.R.347	No. R-452	H.C.R.396	No. R-512
H.C.R.299	No. R-391	H.C.R.348	No. R-453	H.C.R.397	No. R-513
H.C.R.300	No. R-392	H.C.R.349	No. R-477	H.C.R.398	No. R-514
H.C.R.301	No. R-393	H.C.R.350	No. R-454	H.C.R.399	No. R-515
H.C.R.302	No. R-420	H.C.R.351	No. R-478	H.C.R.400	No. R-516
H.C.R.303	No. R-394	H.C.R.352	No. R-455	H.C.R.401	No. R-517
H.C.R.304	No. R-441	H.C.R.353	No. R-461	H.C.R.402	No. R-518
H.C.R.305	No. R-421	H.C.R.354	No. R-479	H.C.R.403	No. R-519
H.C.R.306	No. R-402	H.C.R.355	No. R-462	H.C.R.404	No. R-520
H.C.R.307	No. R-422	H.C.R.356	No. R-463	H.C.R.405	No. R-521
H.C.R.308	No. R-423	H.C.R.357	No. R-464	H.C.R.406	No. R-522
H.C.R.309	No. R-403	H.C.R.358	No. R-465	H.C.R.407	No. R-523
H.C.R.310	No. R-396	H.C.R.359	No. R-466	H.C.R.408	No. R-524
H.C.R.311	No. R-404	H.C.R.360	No. R-467	H.C.R.409	No. R-525
H.C.R.312	No. R-405	H.C.R.361	No. R-468	H.C.R.410	No. R-526
H.C.R.313	No. R-406	H.C.R.362	No. R-469	H.C.R.411	No. R-527
H.C.R.314	No. R-424	H.C.R.363	No. R-480	H.C.R.412	No. R-528
H.C.R.315	No. R-425	H.C.R.364	No. R-470	H.C.R.3000+	No. R-529

Part IV – Addendum**Summary of Biennial Session Activities 2011/2012**

January 5, 2011 through May 6, 2011
 Senate - 69 actual days - 122 calendar days
 House - 69 actual days - 122 calendar days

Veto Session
 June 7, 2011 (token)

January 3, 2012 through May 5, 2012
 Senate - 78 actual days - 124 calendar days
 House - 77 actual days - 124 calendar days

Veto Session
 May 22, 2012 (token)

	2011	2011 Total	2012	2012 Total	Cum. Total
HOUSE BILLS INTRODUCED	460		335		
SENATE BILLS INTRODUCED	<u>111</u>		<u>141</u>		
		571		476	1,047
HOUSE RESOLUTIONS INTRODUCED	236		238		
SENATE RESOLUTIONS INTRODUCED	<u>065</u>		<u>059</u>		
		301		297	598
HOUSE RESOLUTIONS ADOPTED	223		225		
SENATE RESOLUTIONS ADOPTED	<u>062</u>		<u>055</u>		
		285		280	565
HOUSE BILLS PASSED (Signed by Governor)	050		076		
SENATE BILLS PASSED (Signed by Governor)	<u>024</u>		<u>038</u>		
		074		114	188
HOUSE BILLS PASSED (Enacted without Governor's signature)	000		001		
SENATE BILLS PASSED (Enacted without Governor's signature)	<u>000</u>		<u>000</u>		
		000		001	001
HOUSE BILLS VETOED BY GOVERNOR	000		001		
SENATE BILLS VETOED BY GOVERNOR	<u>001</u>		<u>000</u>		
		001		001	002
HOUSE BILLS GOVERNOR'S VETO OVERRIDDEN	000		000		
SENATE BILLS GOVERNOR'S VETO OVERRIDDEN	<u>000</u>		<u>000</u>		
		000		000	000
HOUSE BILLS REJECTED	000		000		
SENATE BILLS REJECTED	<u>000</u>		<u>000</u>		
		000		000	000
HOUSE BILLS WITHDRAWN	000		000		
SENATE BILLS WITHDRAWN	<u>000</u>		<u>000</u>		
		000		000	000
2011 – Drafting Requests – 1,182					
2012 – Drafting Requests – 967					

